



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

HF2022	2
HF2023	9
HF2024	13
HF2025	16
HF2026	20
HF2027	24
HF2028	27
HJR2002	30
HJR2003	33
HR101	35
HSB510	37
HSB511	43
HSB512	52
HSB513	55
HSB514	57
HSB515	60
HSB516	62
HSB518	66
HSB519	68
SF2017	106
SF2018	108
SSB3009	111
SSB3010	268



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2022 - Introduced

HOUSE FILE 2022
BY J. TAYLOR

A BILL FOR

1 An Act relating to state and school district finances by
2 increasing the regular program foundation base percentage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5401YH (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2022

1 Section 1. Section 257.1, subsection 2, paragraph b, Code
2 2011, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. (1) The regular program foundation base per pupil is the
5 following:

6 (a) For the budget year commencing July 1, 2012, the
7 regular program foundation base per pupil is eighty-seven and
8 five-tenths percent of the regular program state cost per
9 pupil.

10 (b) For the budget year commencing July 1, 2013, the
11 regular program foundation base per pupil is eighty-nine and
12 twenty-eight hundredths percent of the regular program state
13 cost per pupil.

14 (c) For the budget year commencing July 1, 2014, the
15 regular program foundation base per pupil is ninety-one and six
16 hundredths percent of the regular program state cost per pupil.

17 (d) For the budget year commencing July 1, 2015, the regular
18 program foundation base per pupil is ninety-two and eighty-four
19 hundredths percent of the regular program state cost per pupil.

20 (e) For the budget year commencing July 1, 2016, the regular
21 program foundation base per pupil is ninety-four and sixty-two
22 hundredths percent of the regular program state cost per pupil.

23 (f) For the budget year commencing July 1, 2017, the regular
24 program foundation base per pupil is ninety-six and forty
25 hundredths percent of the regular program state cost per pupil.

26 (g) For the budget year commencing July 1, 2018, the regular
27 program foundation base per pupil is ninety-eight and eighteen
28 hundredths percent of the regular program state cost per pupil.

29 (h) For the budget year commencing July 1, 2019, and
30 succeeding budget years, the regular program foundation base
31 per pupil is one hundred percent of the regular program state
32 cost per pupil.

33 (2) For each budget year, the special education support
34 services foundation base is seventy-nine percent of the special
35 education support services state cost per pupil. The combined

LSB 5401YH (2) 84

-1-

md/sc

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2022

1 foundation base is the sum of the regular program foundation
2 base, the special education support services foundation base,
3 the total teacher salary supplement district cost, the total
4 professional development supplement district cost, the total
5 early intervention supplement district cost, the total area
6 education agency teacher salary supplement district cost,
7 and the total area education agency professional development
8 supplement district cost.

9 Sec. 2. Section 257.4, subsection 1, paragraph b, Code 2011,
10 is amended to read as follows:

11 b. For the budget year beginning July 1, 2008, and
12 succeeding budget years beginning before July 1, 2019, the
13 department of management shall annually determine an adjusted
14 additional property tax levy and a statewide maximum adjusted
15 additional property tax levy rate, not to exceed the statewide
16 average additional property tax levy rate, calculated by
17 dividing the total adjusted additional property tax levy
18 dollars statewide by the statewide total net taxable valuation.
19 For purposes of this paragraph, the adjusted additional
20 property tax levy shall be that portion of the additional
21 property tax levy corresponding to the state cost per pupil
22 multiplied by a school district's weighted enrollment, and then
23 multiplied by one hundred percent less the regular program
24 foundation base per pupil percentage pursuant to section
25 257.1. ~~The~~ For budget years beginning before July 1, 2019, the
26 district shall receive adjusted additional property tax levy
27 aid in an amount equal to the difference between the adjusted
28 additional property tax levy rate and the statewide maximum
29 adjusted additional property tax levy rate, as applied per
30 thousand dollars of assessed valuation on all taxable property
31 in the district. ~~The statewide maximum adjusted additional~~
32 ~~property tax levy rate shall be annually determined by the~~
33 ~~department taking into account amounts allocated pursuant to~~
34 ~~section 257.15, subsection 4.~~ The For budget years beginning
35 before July 1, 2019, the statewide maximum adjusted additional

LSB 5401YH (2) 84

md/sc

2/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2022

1 property tax levy rate shall be annually determined by the
2 department taking into account amounts allocated pursuant to
3 section 257.15, subsection 4, and the balance of the property
4 tax equity and relief fund created in section 257.16A at the
5 end of the calendar year.

6 Sec. 3. Section 257.15, subsection 4, Code 2011, is amended
7 to read as follows:

8 4. a. *Allocations for maximum adjusted additional property*
9 *tax levy rate calculation and adjusted additional property*
10 *tax levy aid. The For fiscal years beginning before July 1,*
11 *2019, the department of management shall allocate from amounts*
12 *appropriated pursuant to section 257.16, subsection 1, and from*
13 *funds appropriated from the property tax equity and relief*
14 *fund created in section 257.16A for the purpose of calculating*
15 *the statewide maximum adjusted additional property tax levy*
16 *rate and providing adjusted additional property tax levy aid*
17 *as provided in section 257.4, subsection 1, paragraph "b",*
18 *an amount equal to the sum of subparagraphs (1) and (2) as*
19 *follows:*

20 (1) From the amount appropriated from the general fund of
21 the state pursuant to section 257.16, subsection 1, equal to
22 the following:

23 (a) For the budget year beginning July 1, 2006, six million
24 dollars.

25 (b) For the budget year beginning July 1, 2007, twelve
26 million dollars.

27 (c) For the budget year beginning July 1, 2008, eighteen
28 million dollars.

29 (d) For the budget year beginning July 1, 2009, and
30 succeeding budget years beginning before July 1, 2019,
31 twenty-four million dollars.

32 (2) From the amount appropriated from the property tax
33 equity and relief fund created in section 257.16A.

34 b. After lowering all school district additional property
35 tax levy rates to the statewide maximum adjusted additional



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2022

1 property tax levy rate under paragraph "a", the department of
2 management shall use any remaining funds at the end of the
3 calendar year to further lower additional property taxes by
4 increasing for the budget year beginning the following July
5 1, the state foundation base percentage. If, however, the
6 state foundation base percentage is one hundred percent, the
7 department of management shall deposit those remaining funds
8 in the taxpayers trust fund created in section 8.57E. Moneys
9 used pursuant to this paragraph shall supplant an equal amount
10 of the appropriation made from the general fund of the state
11 pursuant to section 257.16 that represents the increase in
12 state foundation aid.

13 Sec. 4. Section 257.16A, subsections 2 and 3, Code 2011, are
14 amended to read as follows:

15 2. There For fiscal years beginning before July 1, 2019,
16 there is appropriated annually all moneys in the fund to the
17 department of management for purposes of section 257.15,
18 subsection 4.

19 3. Notwithstanding Except as provided in subsection 4,
20 and notwithstanding section 8.33, any moneys remaining in the
21 property tax equity and relief fund at the end of a fiscal year
22 shall not revert to any other fund but shall remain in the
23 property tax equity and relief fund for use as provided in this
24 section for the following fiscal year.

25 Sec. 5. Section 257.16A, Code 2011, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 4. Any moneys in the property tax equity
28 and relief fund on June 30, 2019, shall be deposited by the
29 department of management in the taxpayers trust fund created
30 in section 8.57E.

31 Sec. 6. Section 423F.2, subsection 3, Code 2011, is amended
32 to read as follows:

33 3. The moneys available in a fiscal year in the secure an
34 advanced vision for education fund shall be distributed by the
35 department of revenue to each school district in an amount



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2022

1 equal to the amount the school district would have received
2 pursuant to the formula in section 423E.4 as if the local
3 sales and services tax for school infrastructure purposes was
4 imposed. Moneys collected in a fiscal year beginning before
5 July 1, 2017, that are in excess of that needed to provide each
6 school district with its formula amount shall be distributed
7 and credited to the property tax equity and relief fund
8 created in section 257.16A. Moneys collected in a fiscal year
9 beginning on or after July 1, 2017, that are in excess of that
10 amount needed to provide each school district with its formula
11 amount shall be deposited in the taxpayers trust fund created
12 in section 8.57E.

13 EXPLANATION

14 This bill relates to state and school district finances by
15 increasing the regular program foundation base percentage.

16 The bill provides for an increase in the regular program
17 foundation base under the state school foundation program.
18 The foundation base is the specified percentage of the state
19 cost per pupil calculation which is paid as state aid to
20 school districts, above and beyond the uniform property tax
21 levy imposed in Code section 257.3. Beginning with the budget
22 year commencing July 1, 2013, the increase is phased in over
23 a seven-year period in annual increments, from the current
24 foundation base level of 87.5 percent to the level of 100
25 percent in the seventh year.

26 The bill provides that the department of management's
27 determination of an adjusted additional property tax levy and a
28 statewide maximum adjusted additional property tax levy rate
29 only applies to budget years beginning before July 1, 2019.

30 The bill also provides that adjusted additional property tax
31 levy aid to school districts is only provided for budget years
32 beginning before July 1, 2019. The elimination of adjusted
33 additional property tax levy aid is the result of the regular
34 program foundation base percentage reaching 100 percent.

35 The bill sunsets the annual appropriation of \$24 million for

LSB 5401YH (2) 84

-5-

md/sc

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2022

1 adjusted additional property tax levy aid under Code section
2 257.15(4) for the fiscal year beginning July 1, 2019, and
3 provides that if the state foundation base percentage is 100
4 percent, the department of management shall deposit those
5 remaining funds allocated for adjusted additional property tax
6 levy aid in the taxpayers trust fund.

7 The bill specifies that any moneys in the property tax equity
8 and relief fund established under Code section 257.16A on June
9 30, 2019, shall be deposited by the department of management in
10 the taxpayers trust fund.

11 The bill provides that moneys collected in a fiscal year
12 beginning before July 1, 2017, in the secure an advanced vision
13 for education fund (SAVE) that are in excess of that needed to
14 provide each school district with its formula amount continue,
15 as under current law, to be distributed and credited to the
16 property tax equity and relief fund created in Code section
17 257.16A. The bill provides that such excess moneys collected
18 in a fiscal year beginning on or after July 1, 2017, shall be
19 deposited in the taxpayers trust fund.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2023 - Introduced

HOUSE FILE 2023
BY J. TAYLOR

A BILL FOR

1 An Act enhancing the penalty for certain domestic abuse
2 assaults committed by impeding the breathing or circulation
3 of the blood of another.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5095HH (3) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2023

1 Section 1. Section 236.12, subsection 2, Code 2011, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. e. Except as otherwise provided in
4 subsection 3, a peace officer shall, with or without a warrant,
5 arrest a person under section 708.2A, subsection 2, paragraph
6 "d", if, upon investigation, including a reasonable inquiry of
7 the alleged victim and other witnesses, if any, the officer has
8 probable cause to believe that a domestic abuse assault has
9 been committed by knowingly impeding the normal breathing or
10 circulation of the blood of another by applying pressure to the
11 throat or neck of the other person or by obstructing the nose
12 or mouth of the other person.
13 NEW PARAGRAPH. f. Except as otherwise provided in
14 subsection 3, a peace officer shall, with or without a warrant,
15 arrest a person under section 708.2A, subsection 4A, if,
16 upon investigation, including a reasonable inquiry of the
17 alleged victim and other witnesses, if any, the officer has
18 probable cause to believe that a domestic abuse assault has
19 been committed by knowingly impeding the normal breathing or
20 circulation of the blood of another by applying pressure to the
21 throat or neck of the other person or by obstructing the nose
22 or mouth of the other person, and causing bodily injury.
23 Sec. 2. Section 236.12, subsection 3, Code 2011, is amended
24 to read as follows:
25 3. As described in subsection 2, paragraph "b", "c", or
26 "d", "e", or "f", the peace officer shall arrest the person
27 whom the peace officer believes to be the primary physical
28 aggressor. The duty of the officer to arrest extends only
29 to those persons involved who are believed to have committed
30 an assault. Persons acting with justification, as defined
31 in section 704.3, are not subject to mandatory arrest. In
32 identifying the primary physical aggressor, a peace officer
33 shall consider the need to protect victims of domestic abuse,
34 the relative degree of injury or fear inflicted on the persons
35 involved, and any history of domestic abuse between the persons

LSB 5095HH (3) 84

-1-

jm/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2023

1 involved. A peace officer's identification of the primary
2 physical aggressor shall not be based on the consent of the
3 victim to any subsequent prosecution or on the relationship of
4 the persons involved in the incident, and shall not be based
5 solely upon the absence of visible indications of injury or
6 impairment.

7 Sec. 3. Section 702.11, subsection 2, Code 2011, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *g.* Domestic abuse assault in violation of
10 section 708.2A, subsection 4A.

11 Sec. 4. Section 708.2A, subsection 2, Code 2011, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *d.* An aggravated misdemeanor, if the
14 domestic abuse assault is committed by knowingly impeding the
15 normal breathing or circulation of the blood of another by
16 applying pressure to the throat or neck of the other person or
17 by obstructing the nose or mouth of the other person.

18 Sec. 5. Section 708.2A, Code 2011, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 4A. For a domestic abuse assault committed
21 by knowingly impeding the normal breathing or circulation of
22 the blood of another by applying pressure to the throat or neck
23 of the other person or by obstructing the nose or mouth of the
24 other person, and causing bodily injury, the person commits a
25 class "D" felony.

26 EXPLANATION

27 This bill enhances the penalty for certain domestic abuse
28 assault cases.

29 The bill provides that a person commits an aggravated
30 misdemeanor if the person commits domestic abuse assault by
31 knowingly impeding the normal breathing or circulation of the
32 blood of another by applying pressure to the throat or neck of
33 the other person, or by obstructing the nose or mouth of the
34 other person. If such a domestic abuse assault causes bodily
35 injury the person commits a class "D" felony.

LSB 5095HH (3) 84

-2-

jm/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2023

1 The bill also requires a peace officer to arrest the person
2 performing acts which violate the bill and whom the peace
3 officer believes to be the primary physical aggressor just as
4 in other domestic abuse assault situations.

5 The offense classified as a class "D" felony under the
6 bill is exempted from the definition of a forcible felony.
7 An offense exempted from the definition of a forcible felony
8 allows a person convicted of such an offense to be eligible for
9 a suspended or deferred sentence, or a deferred judgment.

10 An aggravated misdemeanor is punishable by confinement for
11 no more than two years and a fine of at least \$625 but not more
12 than \$6,250.

13 A class "D" felony is punishable by confinement for no more
14 than five years and a fine of at least \$750 but not more than
15 \$7,500.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2024 - Introduced

HOUSE FILE 2024
BY ANDERSON

A BILL FOR

1 An Act relating to the registration of antique motor vehicles
2 used for limited purposes, providing a fee, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5143YH (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2024

1 Section 1. Section 321.112, Code 2011, is amended to read
2 as follows:

3 **321.112 Minimum motor vehicle fee.**

4 ~~No motor vehicle, except~~ Except as provided in section
5 sections 321.115 and 321.117, a motor vehicle shall not be
6 registered for a registration year for less than ten dollars.

7 Sec. 2. Section 321.115, subsection 1, Code 2011, is amended
8 to read as follows:

9 1. a. A motor vehicle twenty-five years old or older may be
10 registered as an antique vehicle.—The as follows:

11 (1) If the owner desires to use the motor vehicle for
12 unlimited travel, the annual registration fee is the fee
13 provided in section 321.113, 321.122, or 321.124.

14 ~~b. (2) The owner of a motor truck, truck tractor, road~~
15 ~~tractor, or motor home that is twenty-five years old or older~~
16 ~~who~~ If the owner desires to use the vehicle exclusively for
17 exhibition or educational purposes at state or county fairs,
18 or at other places where the vehicle may be exhibited for
19 entertainment or educational purposes, ~~may register the vehicle~~
20 ~~as a "limited use" vehicle in accordance with sections 321.58~~
21 ~~through 321.62. The "limited use" registration the annual~~
22 registration fee is five dollars. Registration under this
23 ~~paragraph~~ subparagraph permits driving of the vehicle upon the
24 public roads to and from state and county fairs or other places
25 of entertainment or education for exhibition or educational
26 purposes and to and from service stations for the purpose
27 of receiving necessary maintenance, or for the purposes of
28 transporting, testing, demonstrating, or selling the vehicle.

29 ~~c.~~ b. The owner of a motor vehicle registered under this
30 subsection may display authentic Iowa registration plates from
31 the model year of the motor vehicle, furnished by the person
32 and approved by the department, in lieu of the current and
33 valid Iowa registration plates issued for the vehicle, provided
34 that the current and valid Iowa registration plates and the
35 registration card issued for the vehicle are simultaneously

LSB 5143YH (2) 84

-1-

dea/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2024

1 carried within the vehicle and are available for inspection to
2 any peace officer upon the officer's request.

3 EXPLANATION

4 Under current law, a motor vehicle which is 25 years old or
5 older may be registered as an antique vehicle upon payment of
6 the regular annual registration fee for the vehicle. Certain
7 motor trucks, truck tractors, road tractors, and motor homes
8 that are 25 years old or older and used only for exhibition,
9 entertainment, or educational purposes may be registered as
10 "limited use" vehicles, subject to a registration fee of \$40
11 for a two-year period. The registration of a motor vehicle as
12 an antique vehicle allows the owner to display authentic Iowa
13 registration plates from the model year of the motor vehicle.

14 This bill eliminates the current "limited use" registration
15 fee for antique motor trucks, truck tractors, road tractors,
16 and motor homes and establishes an annual registration fee of
17 \$5 for any motor vehicle that is 25 years old or older and used
18 only for exhibition, entertainment, or educational purposes.
19 The registration only allows driving of the vehicle upon the
20 public roads to and from state and county fairs or other places
21 of entertainment or education for exhibition or educational
22 purposes and to and from service stations for the purpose
23 of receiving necessary maintenance, or for the purposes of
24 transporting, testing, demonstrating, or selling the vehicle.

25 The option to register an antique motor vehicle for
26 unlimited travel upon payment of the regular registration fee
27 is retained under the bill.

28 Pursuant to current law, a person who violates provisions
29 relating to the registration and operation of antique motor
30 vehicles commits a simple misdemeanor punishable by a scheduled
31 fine of \$30.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2025 - Introduced

HOUSE FILE 2025
BY LYKAM

A BILL FOR

1 An Act providing free motor vehicle registration for certain
2 veterans with service-connected disabilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5360YH (2) 84
aw/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2025

1 Section 1. Section 321.34, subsection 12A, paragraph b,
2 Code Supplement 2011, is amended to read as follows:
3 b. An owner of a vehicle referred to in subsection 12 who
4 applies for any type of special registration plates associated
5 with service in the United States armed forces shall be issued
6 one set of the special registration plates at no charge and
7 subject to no annual registration fee if the owner is eligible
8 for, but has relinquished to the department or the county
9 treasurer or has not been issued, medal of honor registration
10 plates under subsection 8 or disabled veteran registration
11 plates under section 321.105, subsection 5 or 6.

12 Sec. 2. Section 321.105, Code 2011, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. A veteran with a service-connected
15 disability rated at thirty percent or higher shall be exempt
16 from payment of the annual registration fee provided in this
17 chapter for one vehicle, and shall be provided, without fee,
18 with one set of regular registration plates or one set of any
19 type of special registration plates associated with service in
20 the United States armed forces for which the disabled veteran
21 qualifies under section 321.34. The disabled veteran, to be
22 able to claim the benefit, must be a resident of the state
23 of Iowa. In lieu of the set of regular or special military
24 registration plates available without fee, the disabled veteran
25 may obtain a set of nonmilitary special registration plates or
26 personalized plates issued under section 321.34 by paying the
27 additional fees associated with those plates.

28 Sec. 3. Section 321.166, subsection 6, Code 2011, is amended
29 to read as follows:

30 6. Registration plates issued to a disabled veteran under
31 the provisions of section 321.105, subsection 5 or 6, shall
32 display the alphabetical characters "DV" which shall precede
33 the registration plate number. The plates may also display
34 a persons with disabilities parking sticker if issued to the
35 disabled veteran by the department under section 321L.2.

LSB 5360YH (2) 84

-1-

aw/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2025

1 Sec. 4. Section 321L.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2011, is amended to read as follows:

3 (2) Persons with disabilities parking sticker. An
4 applicant who owns a motor vehicle for which the applicant
5 has been issued registration plates under section 321.34 or
6 registration plates as a ~~seriously~~ disabled veteran under
7 section 321.105, subsection 5 or 6, may apply to the department
8 for a persons with disabilities parking sticker to be affixed
9 to the plates. The persons with disabilities parking stickers
10 shall bear the international symbol of accessibility.

11 Sec. 5. Section 321L.2, subsection 5, Code 2011, is amended
12 to read as follows:

13 5. A seriously disabled veteran who has been provided with
14 an automobile or other vehicle by the United States government
15 under the provisions of 38 U.S.C. § 1901 et seq. (1970) is
16 not required to apply for a persons with disabilities parking
17 permit under this section unless the veteran has been issued
18 special registration plates or personalized plates for the
19 vehicle. The regular registration plates issued for the
20 disabled veteran's vehicle without fee pursuant to section
21 321.105, subsection 5, entitle the disabled veteran to all
22 of the rights and privileges associated with persons with
23 disabilities parking permits under this chapter.

24 EXPLANATION

25 This bill provides that a veteran of the United States armed
26 forces with a service-connected disability rated at 30 percent
27 or higher is exempt from the payment of annual registration
28 fees for one vehicle. The veteran is entitled to one set
29 of disabled veteran registration plates to be issued free of
30 charge. Currently, disabled veteran registration plates are
31 available only to seriously disabled veterans who have been
32 provided with an automobile or other vehicle by the United
33 States government. The veteran may substitute any of the
34 special plates associated with military service in lieu of the
35 disabled veteran plates without additional fee, or the veteran

LSB 5360YH (2) 84

-2-

aw/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2025

1 may substitute a set of personalized plates or nonmilitary
2 special plates upon payment of the additional fees associated
3 with those plates. The use of the free registration plates
4 passes to the surviving spouse upon the death of the veteran.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2026 - Introduced

HOUSE FILE 2026

BY CHAMBERS, KAUFMANN, and
LOFGREN

A BILL FOR

1 An Act providing for the issuance of special hunting licenses
2 to certain nonresident disabled veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5219YH (2) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2026

1 Section 1. Section 483A.24, Code Supplement 2011, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 10A. The commission shall issue a special
4 hunting license, wild turkey hunting license, or any sex deer
5 hunting license to a nonresident who has served in the armed
6 forces of the United States on active federal service and who
7 was disabled during that veteran's military service to enable
8 the disabled veteran to participate in a hunt that is conducted
9 by a nonprofit organization that conducts hunting experiences
10 in this state for disabled veterans. The licenses shall be
11 issued as follows:
12 a. The department shall prepare an application to be used by
13 a person requesting a special license under this subsection.
14 (1) The department shall verify that the license will
15 be used by the applicant in connection with a hunt conducted
16 by an approved nonprofit organization that conducts hunting
17 experiences in this state for disabled veterans. The
18 department shall specify, by rules adopted under chapter 17A,
19 what requirements a nonprofit organization must meet in order
20 to be approved to conduct hunts for disabled veterans who
21 obtain licenses under this subsection.
22 (2) The department of veterans affairs shall assist the
23 department in verifying the status or claims of applicants
24 under this subsection. As used in this subsection, "disabled"
25 means entitled to a service connected rating under 38 U.S.C.
26 ch. 11.
27 b. A license issued under this subsection shall be in
28 addition to the number of nonresident wild turkey hunting
29 licenses authorized pursuant to section 483A.7 and nonresident
30 deer hunting licenses authorized pursuant to section 483A.8.
31 c. A disabled veteran who receives a special license
32 under this subsection shall purchase a hunting license, and
33 a wild turkey hunting license or a deer hunting license, if
34 applicable, and pay the wildlife habitat fee, all for the same
35 fee that is charged to resident hunters. If hunting deer,

LSB 5219YH (2) 84
av/nh

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2026

1 the disabled veteran shall also pay a one dollar fee that
2 shall be used and is appropriated for the purpose of deer herd
3 population management, including assisting with the cost of
4 processing deer donated to the help us stop hunger program
5 administered by the commission.

6 *d.* A disabled veteran who receives a special license
7 under this subsection is not required to complete the hunter
8 safety and ethics education course if the disabled veteran is
9 accompanied and aided during the hunt by a person who is a
10 representative of a nonprofit organization approved under this
11 subsection, is at least eighteen years of age, is qualified to
12 hunt, and has a hunting license.

13 *e.* The turkey hunting licenses issued under this subsection
14 are valid in all zones open to turkey hunting and shall be
15 available for issuance and use during any turkey hunting
16 season. The deer hunting licenses issued under this subsection
17 are valid in all zones open to deer hunting and shall be
18 available for issuance and use during any deer hunting season.

19 *f.* A license issued under this subsection is valid for use
20 only on a hunt conducted by a nonprofit organization approved
21 under this subsection.

22 *g.* The commission shall adopt rules under chapter 17A for
23 the administration of this subsection.

24 EXPLANATION

25 This bill requires the natural resource commission to issue
26 special hunting licenses, wild turkey hunting licenses, and any
27 sex deer hunting licenses to nonresident disabled veterans for
28 use on hunts conducted by nonprofit organizations that conduct
29 hunting experiences in the state for disabled veterans.

30 The commission is required to verify that an applicant for a
31 special license is entitled to a service-connected disability
32 rating and that the license will be used in connection with
33 a hunt conducted by an approved nonprofit organization
34 that conducts hunting experiences in the state for disabled
35 veterans. The commission shall adopt rules specifying the

LSB 5219YH (2) 84

-2-

av/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2026

1 requirements for a nonprofit organization to be approved to
2 hold such hunts.

3 The special wild turkey and deer hunting licenses issued
4 are in addition to the number of nonresident wild turkey
5 hunting licenses authorized pursuant to Code section 483A.7
6 and nonresident deer hunting licenses authorized pursuant to
7 Code section 483A.8. The special wild turkey and deer hunting
8 licenses are valid in all zones open to wild turkey and deer
9 hunting and during any season for wild turkey and deer hunting.

10 A nonresident disabled veteran receiving a special license
11 under the bill must purchase a hunting license, and a wild
12 turkey or deer hunting license, if applicable, and pay the
13 wildlife habitat fee and deer herd population management fee,
14 but only at the rate charged to a resident hunter.

15 A disabled veteran receiving a special license under the
16 bill is not required to complete the hunter safety and ethics
17 education course if the disabled veteran is accompanied and
18 aided during the hunt by a person representing an approved
19 nonprofit organization, who is at least 18 years of age, is
20 qualified to hunt, and has a hunting license.

21 The commission is required to adopt rules pursuant to Code
22 section 17A to administer the provisions of the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2027 - Introduced

HOUSE FILE 2027
BY ALONS

A BILL FOR

1 An Act relating to window transparency requirements for antique
2 motor vehicles used for limited purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5028YH (5) 84
dea/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2027

1 Section 1. Section 321.438, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. a. A Except as provided in paragraph `b`, a person
4 shall not operate on the highway a motor vehicle equipped
5 with a front windshield, a side window to the immediate right
6 or left of the driver, or a ~~side-wing~~ sidewing forward of
7 and to the left or right of the driver which is excessively
8 dark or reflective so that it is difficult for a person
9 outside the motor vehicle to see into the motor vehicle
10 through the windshield, window, or sidewing. The department
11 shall adopt rules establishing a minimum measurable standard
12 of transparency which shall apply to violations of this
13 subsection.

14 b. Upon application by the owner of the motor vehicle, and
15 subject to the approval of the department, the requirements of
16 paragraph `a` shall not apply for a motor vehicle registered
17 as an antique vehicle and used exclusively for exhibition
18 or educational purposes at state or county fairs, in local
19 parades, or at other places where the motor vehicle may be
20 exhibited for entertainment or educational purposes. An
21 exemption granted pursuant to this paragraph shall permit
22 driving of the vehicle upon the public roads to and from
23 state and county fairs, local parades, or other places of
24 entertainment or education for exhibition or educational
25 purposes and to and from service stations for the purpose of
26 receiving necessary maintenance.

27 EXPLANATION

28 Current law prohibits a person from operating a motor
29 vehicle whose front windshield, front side windows, or front
30 sidewings to the left or right of the driver are excessively
31 dark or reflective so that it is difficult for a person to see
32 into the motor vehicle. The department of transportation has
33 established by rule a minimum standard of transparency of 70
34 percent light transmittance.

35 This bill allows the department to exempt certain antique

LSB 5028YH (5) 84

-1-

dea/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2027

1 motor vehicles used exclusively for exhibition or educational
2 purposes from the window transparency requirements. The bill
3 requires the owner of an antique motor vehicle to submit an
4 application for an exemption, which is subject to the approval
5 of the department. The exemption would apply for antique motor
6 vehicles exhibited at state or county fairs, in local parades,
7 or at other places for entertainment or educational purposes.
8 The exemption would also apply when the vehicle is being driven
9 to and from those places and events, and to and from service
10 stations.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House File 2028 - Introduced

HOUSE FILE 2028
BY S. OLSON

A BILL FOR

1 An Act allowing a veteran to request that the veteran's
2 driver's license or nonoperator's identification card be
3 marked with the word "VETERAN" to indicate veteran status.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5540YH (2) 84
aw/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2028

1 Section 1. Section 321.189, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. *Veteran status.* Upon request of a
4 licensee who is a veteran of the armed forces of the United
5 States, the word "VETERAN" shall appear prominently on the
6 face of the license. Such a license shall be issued only upon
7 receipt of satisfactory proof of veteran status pursuant to
8 procedures established by the department.

9 Sec. 2. Section 321.190, subsection 1, paragraph b, Code
10 Supplement 2011, is amended to read as follows:

11 b. (1) The department shall not issue a card to a person
12 holding a driver's license. However, a card may be issued to a
13 person holding a temporary permit under section 321.181. The
14 card shall be identical in form to a driver's license issued
15 under section 321.189 except the word "nonoperator" shall
16 appear prominently on the face of the card.

17 (2) A nonoperator's identification card issued to a person
18 under eighteen years of age shall contain the same information
19 as any other nonoperator's identification card except that the
20 words "under eighteen" shall appear prominently on the face of
21 the card.

22 (3) A nonoperator's identification card issued to a
23 person eighteen years of age or older but under twenty-one
24 years of age shall contain the same information as any other
25 nonoperator's identification card except that the words "under
26 twenty-one" shall appear prominently on the face of the card.

27 (4) A nonoperator's identification card issued to a veteran
28 of the armed forces of the United States who satisfies the
29 requirements of section 321.189, subsection 8, shall contain
30 the same information as any other nonoperator's identification
31 card except the word "VETERAN" shall appear prominently on the
32 face of the card.

33 EXPLANATION

34 This bill provides that a person who is a veteran of the
35 armed forces of the United States may request to have that

LSB 5540YH (2) 84

-1-

aw/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. 2028

1 status noted on the person's driver's license or nonoperator's
2 identification card. A veteran making such a request is
3 required to provide proof of veteran status. The license card
4 issued to the veteran will have the word "VETERAN" marked
5 prominently on its face.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Joint Resolution 2002 - Introduced

HOUSE JOINT RESOLUTION 2002
BY HAGER

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa creating term limits for members of the
3 general assembly.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5440YH (1) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.J.R. 2002

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. Section 3 of Article III of the Constitution of the State
4 of Iowa is repealed and the following adopted in lieu thereof:

5 **Representatives.** SEC. 3. The members of the house of
6 representatives shall be chosen every second year, by the
7 qualified electors of their respective districts, and their
8 term of office shall commence on the first day of January next
9 after their election, and continue two years, and until their
10 successors are elected and qualified. No person who has, or
11 but for resignation would have, served four consecutive terms
12 shall be elected as a representative for the succeeding term.
13 If a person is elected to serve a portion of a term to which
14 some other person was elected but that person died in office
15 or resigned from office or was otherwise removed from office,
16 those years served shall not be included in the consecutive
17 years of service for purposes of this limitation. This
18 limitation on consecutive years of service shall only apply to
19 terms of office beginning on or after January 1, 2017.

20 2. Section 5 of Article III of the Constitution of the State
21 of Iowa is repealed and the following adopted in lieu thereof:

22 **Senators — qualifications.** SEC. 5. Senators shall be
23 chosen for the term of four years, at the same time and place as
24 representatives; they shall be twenty-five years of age, and
25 possess the qualifications of representatives as to residence
26 and citizenship. No person who has, or but for resignation
27 would have, served two consecutive terms shall be elected as
28 a senator for the succeeding term. If a person is elected
29 to serve a portion of a term to which some other person was
30 elected but that person died in office or resigned from office
31 or was otherwise removed from office, those years served
32 shall not be included in the consecutive years of service for
33 purposes of this limitation. This limitation on consecutive
34 years of service shall only apply to terms of office beginning
35 on or after January 1, 2017.

LSB 5440YH (1) 84

-1-

aw/sc

1/2

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012**

H.J.R. 2002

1 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
2 to the Constitution of the State of Iowa is referred to the
3 general assembly to be chosen at the next general election
4 for members of the general assembly, and the secretary of
5 state is directed to cause the same to be published for three
6 consecutive months previous to the date of that election as
7 provided by law.

EXPLANATION

9 This joint resolution proposes an amendment to the
10 Constitution of the State of Iowa relating to term of service
11 for persons elected to the offices of representative or senator
12 in the general assembly. The amendment provides that any
13 person elected as a representative shall be eligible to serve
14 four consecutive terms in that position, but shall not be
15 eligible to serve a fifth consecutive term. The amendment
16 provides that any person elected as a senator shall be eligible
17 to serve two consecutive terms in that position, but shall not
18 be eligible to serve a third consecutive term. The amendment
19 therefore limits the offices of representatives and senators
20 to eight consecutive years of service. The amendment provides
21 that filling a vacancy for a portion of a term shall not count
22 as consecutive years of service. The limitation on consecutive
23 years of service shall commence with terms of office beginning
24 on or after January 1, 2017.

25 The resolution, if adopted, would be referred to the next
26 general assembly for adoption before being submitted to the
27 electorate for ratification.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Joint Resolution 2003 - Introduced

HOUSE JOINT RESOLUTION 2003
BY J. TAYLOR

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the use of automated
3 traffic law enforcement systems.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5153YH (3) 84
dea/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.J.R. 2003

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Article XI of the Constitution of the State of Iowa is
4 amended by adding the following new section:

5 **Automated traffic law enforcement systems.** SEC. 9. Automated
6 traffic law enforcement systems shall not be used to enforce
7 the provisions of law relating to traffic on the public roads
8 of the state. For purposes of this section, "automated traffic
9 law enforcement system" means a device with one or more sensors
10 working in conjunction with an official traffic control device
11 or signal or a speed measuring device to produce recorded
12 images of vehicles being operated in violation of traffic or
13 speed laws.

14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
15 amendment to the Constitution of the State of Iowa is referred
16 to the general assembly to be chosen at the next general
17 election for members of the general assembly, and the secretary
18 of state is directed to cause the proposed amendment to be
19 published for three consecutive months previous to the date of
20 that election as provided by law.

21 EXPLANATION

22 This joint resolution proposes an amendment to the
23 Constitution of the State of Iowa prohibiting the use of
24 automated traffic law enforcement systems to enforce the
25 provisions of law relating to traffic on the public roads.
26 The amendment includes a definition of automated traffic law
27 enforcement system.

28 The resolution, if adopted, would be published and then
29 referred to the next general assembly for adoption a second
30 time before being submitted to the electorate for ratification.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Resolution 101 - Introduced

HOUSE RESOLUTION NO. 101

BY COMMITTEE ON ADMINISTRATION AND RULES RESOLUTION
(SUCCESSOR TO LSB 5479YC)

1 A Resolution relating to an annual budget for the
2 daily operations of the House of Representatives.
3 WHEREAS, the legislative authority of this state
4 is vested in the General Assembly consisting of the
5 House of Representatives and the Senate; and
6 WHEREAS, the House of Representatives necessarily
7 incurs substantial expenses for its daily operations;
8 and

9 WHEREAS, the House of Representatives is authorized
10 to expend funds from the state treasury necessary to
11 pay for its expenses and for expenses incurred jointly
12 by the House of Representatives and the Senate; and

13 WHEREAS, it is deemed advisable and proper for
14 the House of Representatives to make expenditures in
15 accordance with a budgetary plan; NOW THEREFORE,

16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

17 Section 1. Expenditures of the House of
18 Representatives payable pursuant to Iowa Code sections
19 2.10 through 2.14 for the regular legislative session
20 and the interim period during the fiscal year beginning
21 July 1, 2012, and ending June 30, 2013, are budgeted to
22 be as follows:

23 Expenses, salaries, per diems, and other items,
24 \$12,373,345.

25 Sec. 2. The Chief Clerk of the House of
26 Representatives shall immediately provide written
27 notice to the Speaker and Minority Leader of the House

LSB 5479HV (1) 84

-1- rj/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.R. 101

1 of Representatives and to the Chair and Ranking Member
2 of the House Committee on Appropriations if actual
3 expenditures payable pursuant to Iowa Code sections
4 2.10 through 2.14 exceed the amount budgeted in section
5 1 of this Resolution. The written notice shall specify
6 the amount of and reasons for any excess expenditure.
7 Sec. 3. Joint expenditures by the House of
8 Representatives and the Senate or by the Legislative
9 Council, special expenditures approved by the Committee
10 on Administration and Rules, and special session
11 expenses are not included in the budget set forth in
12 this Resolution.

LSB 5479HV (1) 84

-2-

rj/nh

2/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 510 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to child abuse reports and disposition data.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5374YC (1) 84
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. Section 235A.18, subsection 1, paragraph a, Code
2 Supplement 2011, is amended to read as follows:
3 a. (1) Report and disposition data relating to a particular
4 case of alleged child abuse shall be sealed ten years after the
5 initial placement of the data in the registry unless good cause
6 be shown why the data should remain open to authorized access.
7 If a subsequent report of an alleged case of child abuse
8 involving the child named in the initial data placed in the
9 registry as the victim of abuse or a person named in the data
10 as having abused a child is received by the department within
11 this ten-year period, the data shall be sealed ten years after
12 receipt of the subsequent report unless good cause be shown why
13 the data should remain open to authorized access. However,
14 such report and disposition data shall be made available to
15 the department of justice if the department requests access to
16 the alleged child abuse records for purposes of review by the
17 prosecutor's review committee or commitment of sexually violent
18 predators under chapter 229A.
19 (2) Upon the department's initiative or the request of
20 a person named as having abused a child, the department may,
21 within its discretion and with consideration of the following
22 factors, remove the name of a person named in the report and
23 disposition data as having abused a child from the report and
24 disposition data prior to the expiration of the ten-year period
25 described in subparagraph (1). A person named in the data as
26 having abused a child may first request that the department
27 use its discretion under this subparagraph (2) to remove the
28 person's name from the report and disposition data five years
29 after the initial placement in the registry and not more than
30 once per year. When exercising this discretion the department
31 shall consider all of the following factors:
32 (a) The nature and severity of the abuse.
33 (b) The risk of recidivism.
34 (c) The time elapsed since the abuse.
35 (d) Other relevant factors.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 (3) The department shall adopt rules to implement
2 subparagraph (2).

3 Sec. 2. Section 235A.19, Code Supplement 2011, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 1A. At the time the notice of the results
6 of an assessment performed in accordance with section 232.71B
7 is issued, the department shall provide notice to a person
8 named in the report as having abused a child of the right to
9 a contested case hearing and shall provide notice to subjects
10 other than the person named in the report as having abused a
11 child of the right to intervene in a contested case proceeding,
12 as provided in subsection 2.

13 Sec. 3. Section 235A.19, subsections 2 and 3, Code
14 Supplement 2011, are amended to read as follows:

15 2. a. A subject of a child abuse report may file with the
16 department within ninety days of the date of the notice of the
17 results of an assessment performed in accordance with section
18 232.71B, a written statement to the effect that report data and
19 disposition data referring to the subject is in whole or in
20 part erroneous, and may request a correction of that data or of
21 the findings of the assessment report.

22 b. The department shall provide ~~the subject~~ a person named
23 in a child abuse report as having abused a child, who has
24 been adversely affected by a founded child abuse disposition,
25 notwithstanding the placement of the report data in the central
26 registry pursuant to section 232.71D, with an opportunity for a
27 contested case hearing pursuant to chapter 17A to correct the
28 data or the findings, unless the department corrects the data
29 or findings as requested.

30 c. The department shall provide a subject of a child
31 abuse report, other than the person named in the report as
32 having abused a child, with an opportunity to file a motion to
33 intervene in the contested case proceeding.

34 d. The department may defer the hearing until the conclusion
35 of the adjudicatory phase of a pending juvenile or district

LSB 5374YC (1) 84
ad/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 court case relating to the data or findings. Upon request
2 of any party to the contested case proceeding, the presiding
3 officer may stay the hearing until the conclusion of the
4 adjudicatory phase of a pending juvenile or district court case
5 relating to the data or findings. An adjudication of a child
6 in need of assistance or a criminal conviction in a district
7 court case relating to the child abuse data or findings may be
8 determinative in a contested case proceeding.

9 ~~b-~~ e. The department shall not disclose any report data
10 or disposition data until the conclusion of the proceeding to
11 correct the data or findings, except as follows:

12 (1) As necessary for the proceeding itself.

13 (2) To the parties and attorneys involved in a judicial
14 proceeding.

15 (3) For the regulation of child care or child placement.

16 (4) Pursuant to court order.

17 (5) To the subject of an assessment or a report.

18 (6) For the care or treatment of a child named in a report
19 as a victim of abuse.

20 (7) To persons involved in an assessment of child abuse.

21 (8) For statutorily authorized record checks for employment
22 of an individual by a provider of adult home care, adult health
23 facility care, or other adult placement facility care.

24 (9) For others identified in section 235A.15, subsection
25 2, paragraph "d", subparagraph (7), and paragraph "e",
26 subparagraphs (9) and (16).

27 3. ~~The subject of a~~ A person named in a child abuse report
28 as having abused a child, who has been adversely affected by a
29 founded child abuse disposition, notwithstanding the placement
30 of the report data in the central registry pursuant to section
31 232.71D, may appeal the decision resulting from a hearing held
32 pursuant to subsection 2 to the district court of Polk county
33 or to the district court of the district in which the subject
34 of the child abuse person named in the report as having abuse a
35 child resides. Immediately upon appeal the court shall order

LSB 5374YC (1) 84

ad/nh

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 the department to file with the court a certified copy of the
2 report data or disposition data. Appeal shall be taken in
3 accordance with chapter 17A.

4 Sec. 4. CHILD ABUSE REPORTS — DIFFERENTIAL RESPONSE
5 REVIEW.

6 1. The department of human services shall conduct a
7 comprehensive review to determine whether to recommend
8 implementation of a differential response to child abuse
9 reports when the initial report is received by the department
10 pursuant to section 232.70.

11 2. "Differential response", as used in this section, means
12 at least two discrete response options for the screening of
13 cases constituting a child abuse allegation pursuant to the
14 department's assessment process. One of the options shall
15 include a voluntary, noninvestigative response.

16 3. The department shall, by December 1, 2012, submit a
17 report of its review including findings and recommendations to
18 the governor and general assembly.

19 Sec. 5. REPORT ON CHILD ABUSE ASSESSMENTS ADMINISTRATIVE
20 APPEALS. The department of human services and the department
21 of inspections and appeals shall, by December 1, 2012, submit
22 a report to the governor and general assembly regarding the
23 length of time for appeals of placement on the child abuse
24 registry within the last five years. The report shall include
25 information on the number of persons appealing, the alleged
26 reason for the placement, and the reasons for outliers in the
27 length of time for an appeal.

28 EXPLANATION

29 This bill amends provisions relating to the child abuse
30 registry and child abuse reports and disposition data. The
31 bill amends Code section 235A.18 to allow the department of
32 human services (DHS) to remove the name of the perpetrator of
33 abuse from the disposition data prior to the expiration of the
34 10-year period after the person's initial placement on the
35 central registry after considering the nature and severity of

LSB 5374YC (1) 84
ad/nh

-4-

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 the abuse, the risk of recidivism, the time elapsed, and other
2 relevant factors. The bill also allows the person named as the
3 perpetrator to request DHS to remove the perpetrator's name
4 from the registry.

5 The bill amends Code section 235A.19 to require DHS to
6 provide subjects of the child abuse report with notice of
7 the right to appeal or intervene at the time the notice of
8 the results of the assessment is issued. The bill requires
9 DHS to provide only the alleged perpetrator of the abuse,
10 regardless of whether the data is placed on the registry, with
11 an opportunity for a contested case hearing and the right to
12 appeal from the contested case hearing. Current law allows
13 such rights to all subjects of a child abuse report. However,
14 the bill also requires DHS to provide all other subjects,
15 as defined in Code section 235A.15, subsection 2, with an
16 opportunity to intervene into the contested case proceeding.

17 The bill further provides that upon the request of any party
18 to the contested case proceeding, the presiding officer may
19 stay the hearing until the conclusion of the adjudicatory phase
20 of a juvenile case or a district court case that is related to
21 the data or findings. The bill states that an adjudication
22 of a child in need of assistance or a criminal conviction in
23 district court that is related to the data or findings may be
24 determinative in a contested case proceeding.

25 The bill also requires DHS to conduct a comprehensive
26 review to determine whether to recommend implementation of a
27 differential response when initially receiving a child abuse
28 report. The bill requires DHS to submit a report of its
29 determination to the governor and general assembly by December
30 1, 2012.

31 The bill also requires the DHS and the department of
32 inspections and appeals to submit a report to the governor and
33 general assembly by December 1, 2012, regarding the length of
34 time for appeals of placement on the child abuse registry.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 511 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the use of physician orders for scope of
2 treatment including provisions relative to existing advance
3 directives.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. LEGISLATIVE FINDINGS. The general assembly
2 recognizes the importance of encouraging individuals to discuss
3 and make health care decisions before a situation necessitates
4 an actual decision. The general assembly also recognizes
5 that health care planning is a process, rather than a single
6 decision, based upon the individual's values and personal
7 health status. Advance directives provide the opportunity for
8 an individual to enunciate and document the individual's wishes
9 and to identify the person authorized to make decisions for
10 the individual if the individual is unable to make decisions.
11 The general assembly recognizes that the physician order for
12 scope of treatment form, modeled after the national physician
13 orders for life-sustaining treatment paradigm initiative,
14 complements advance directives by converting individual wishes
15 contained in advance directives into medical orders that are
16 actionable across medical settings, thereby enhancing the
17 ability of medical providers to understand and honor patients'
18 wishes. An Iowa physician order for scope of treatment form is
19 intended for individuals who are frail and elderly or who have
20 a chronic, critical medical condition or a terminal illness.

21 Sec. 2. NEW SECTION. 144D.1 Physician orders for scope of
22 treatment.

23 As used in this chapter, unless the context otherwise
24 requires:

25 1. "Advanced registered nurse practitioner" means an advanced
26 registered nurse practitioner licensed pursuant to chapter 152
27 or 152E.

28 2. "Department" means the department of public health.

29 3. "Emergency medical care provider" means emergency medical
30 care provider as defined in section 147A.1.

31 4. "Health care facility" means health care facility as
32 defined in section 135C.1, an elder group home as defined in
33 section 231B.1, and an assisted living program as defined in
34 section 231C.2.

35 5. "Health care provider" means an individual, including

LSB 5495YC (2) 84

-1-

pf/nh

1/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 an emergency medical care provider and an individual providing
2 home and community-based services, who is licensed, certified,
3 or otherwise authorized or permitted by the law of this state
4 to administer health care in the ordinary course of business or
5 in the practice of a profession.

6 6. "*Hospital*" means hospital as defined in section 135B.1.

7 7. "*Physician*" means a person licensed to practice medicine
8 and surgery or osteopathic medicine and surgery in this state.

9 8. "*Physician assistant*" means a person licensed as a
10 physician assistant under chapter 148C.

11 9. "*Physician orders for scope of treatment form*" or "*POST*
12 *form*" means a document containing medical orders actionable
13 across medical settings that consolidates and summarizes
14 an individual's preferences for life-sustaining treatments
15 and interventions and acts as a complement to and does not
16 supersede any valid advance directive.

17 Sec. 3. NEW SECTION. 144D.2 **Physician orders for scope of**
18 **treatment (POST) form.**

19 1. The POST form shall be a uniform form based upon the
20 national physician orders for life-sustaining treatment
21 paradigm form. The form shall have all of the following
22 characteristics:

23 a. The form shall include the patient's name and date of
24 birth.

25 b. The form shall be signed by the patient or the patient's
26 legal representative.

27 c. The form shall be signed by the patient's physician,
28 advanced registered nurse practitioner, or physician assistant.

29 d. If preparation of the form was facilitated by another
30 individual, the facilitator shall also sign the form.

31 e. The form shall include the patient's wishes regarding the
32 care of the patient, including but not limited to all of the
33 following:

34 (1) The administration of cardiopulmonary resuscitation.

35 (2) The level of medical interventions in the event of a

LSB 5495YC (2) 84

pf/nh

2/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 medical emergency.

2 (3) The use of medically administered nutrition by tube.

3 (4) The rationale for the orders.

4 f. The form shall be easily distinguishable to facilitate
5 recognition by health care providers, hospitals, and health
6 care facilities.

7 g. An incomplete section on the form shall imply the
8 patient's wishes for full treatment for the type of treatment
9 addressed in that section.

10 2. The department shall post the form on the department's
11 website for public availability.

12 Sec. 4. NEW SECTION. 144D.3 Compliance with POST form.

13 1. A POST form executed in this state or another state
14 or jurisdiction in compliance with the law of that state or
15 jurisdiction shall be deemed valid and enforceable in this
16 state to the extent the form is consistent with the laws of
17 this state, and may be accepted by a health care provider,
18 hospital, or health care facility.

19 2. A health care provider, hospital, or health care facility
20 may accept and shall comply with an accepted POST form,
21 notwithstanding that the physician, advanced registered nurse
22 practitioner, or physician assistant who signed the POST form
23 does not have admitting privileges at the hospital or health
24 care facility providing health care or treatment.

25 3. In the absence of actual notice of the revocation of
26 a POST form, a health care provider, hospital, health care
27 facility, or any other person who complies with a POST form
28 shall not be subject to civil or criminal liability for
29 actions taken under this chapter which are in accordance
30 with reasonable medical standards. A health care provider,
31 hospital, health care facility, or other person against whom
32 criminal or civil liability is asserted because of conduct in
33 compliance with this chapter may interpose the restriction on
34 liability in this paragraph as an absolute defense.

35 4. A health care provider, hospital, or health care facility

LSB 5495YC (2) 84

-3-

pf/nh

3/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 that is unwilling to comply with an executed POST form shall
2 take all reasonable steps to transfer the patient to another
3 health care provider, hospital, or health care facility.

4 Sec. 5. NEW SECTION. 144D.4 General provisions.

5 1. If an individual is a qualified patient as defined in
6 section 144A.2, the individual's declaration executed under
7 chapter 144A shall control health care decision making for the
8 individual in accordance with chapter 144A. If an individual
9 has not executed a declaration pursuant to chapter 144A, health
10 care decision making relating to life-sustaining procedures for
11 the individual shall be governed by section 144A.7. A POST
12 form shall not supersede a declaration executed pursuant to
13 chapter 144A.

14 2. If an individual has executed a durable power of attorney
15 for health care pursuant to chapter 144B, the individual's
16 durable power of attorney for health care shall control health
17 care decision making for the individual in accordance with
18 chapter 144B. A POST form shall not supersede a durable power
19 of attorney for health care executed pursuant to chapter 144B.

20 3. Death resulting from the withholding or withdrawal of
21 life-sustaining procedures pursuant to an executed POST form
22 and in accordance with this chapter does not, for any purpose,
23 constitute a suicide, homicide, or dependent adult abuse.

24 4. The executing of a POST form does not affect in any
25 manner the sale, procurement, or issuance of any policy of
26 life insurance, nor shall it be deemed to modify the terms
27 of an existing policy of life insurance. A policy of life
28 insurance is not legally impaired or invalidated in any manner
29 by the withholding or withdrawal of life-sustaining procedures
30 pursuant to this chapter notwithstanding any term of the policy
31 to the contrary.

32 5. A health care provider, hospital, health care facility,
33 health care service plan, insurer issuing disability insurance,
34 self-insured employee welfare benefit plan, or nonprofit
35 hospital plan shall not require any person to execute a POST



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 form as a condition of being insured for, or receiving, health
2 care services.

3 6. This chapter does not create a presumption concerning
4 the intention of an individual who has not executed a POST
5 form with respect to the use, withholding, or withdrawal
6 of life-sustaining procedures in the event of a terminal
7 condition.

8 7. This chapter shall not be interpreted to affect the right
9 of a patient to make decisions regarding use of life-sustaining
10 procedures as long as the patient is able to do so, nor to
11 impair or supersede any right or responsibility that any person
12 has to effect the withholding or withdrawal of medical care in
13 any lawful manner. In that respect, the provisions of this
14 chapter are cumulative.

15 8. This chapter shall not be construed to condone,
16 authorize, or approve mercy killing or euthanasia, or to permit
17 any affirmative or deliberate act or omission to end life other
18 than to permit the natural process of dying.

19 EXPLANATION

20 This bill provides for the use of physician orders for scope
21 of treatment (POST).

22 The bill provides legislative findings that provide that
23 the general assembly recognizes the importance of encouraging
24 individuals to discuss and make health care decisions before an
25 actual decision is necessary; that health care planning is a
26 process based upon the individual's values and personal health
27 status; and that advance directives provide the opportunity
28 for an individual to enunciate and document their wishes and
29 to identify the person authorized to make decisions for the
30 individual. The general assembly also recognizes that the
31 POST form, modeled after the national physician orders for
32 life-sustaining treatment paradigm initiative, complements
33 advance directives by converting individual wishes contained
34 in advance directives into medical orders that are actionable
35 across medical settings, thereby enhancing the ability of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 medical providers to understand and honor patients' wishes.
2 The POST form is intended for individuals who are frail and
3 elderly or who have a chronic, critical medical condition or a
4 terminal illness.

5 The bill provides definitions used in the chapter, including
6 the physician order for scope of treatment POST form, which
7 means a document containing medical orders actionable
8 across medical settings that consolidates and summarizes
9 an individual's preferences for life-sustaining treatments
10 and interventions and acts as a complement to but does not
11 supersede any valid advance directive.

12 The bill specifies the content of the POST form and that
13 the department of public health is to post the form on the
14 department's website for public availability.

15 The bill specifies compliance requirements for the POST
16 form. A POST form executed in this state or another state
17 or jurisdiction in compliance with the law of the applicable
18 state or jurisdiction shall be deemed valid and enforceable in
19 this state to the extent the form is consistent with the laws
20 of this state, and may be accepted by a health care provider,
21 hospital, or health care facility. A health care provider,
22 hospital, or health care facility may accept and shall comply
23 with an accepted POST form, even if the physician, advanced
24 registered nurse practitioner, or physician assistant who
25 signed the POST form does not have admitting privileges at
26 the hospital or health care facility providing health care or
27 treatment. The bill provides an absolute defense to civil or
28 criminal liability for a health care provider, hospital, health
29 care facility, or any other person who complies with a POST
30 form if the actions are in accordance with reasonable medical
31 standards. The bill requires a health care provider, hospital,
32 or health care facility that is unwilling to comply with an
33 executed POST form to take all reasonable steps to transfer the
34 patient to another health care provider, hospital, or health
35 care facility.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 The bill provides for the relation of an executed POST form
2 to a declaration under the life-sustaining procedures Act and a
3 durable power of attorney for health care. In both cases, the
4 declaration and the durable power of attorney control health
5 care decision making and the POST form does not supersede them.

6 The bill provides that death resulting from the withholding
7 or withdrawal of life-sustaining procedures pursuant to an
8 executed POST form and in accordance with the bill does not
9 constitute a suicide, homicide, or dependent adult abuse and
10 that executing a POST form does not affect in any manner
11 the sale, procurement, or issuance of any policy of life
12 insurance; modify the terms of an existing policy of life
13 insurance; or legally impair or invalidate the policy. The
14 bill prohibits the execution of a POST form as a condition for
15 being insured or receiving health care services and provides
16 that not executing a POST form does not create a presumption
17 concerning the intention of an individual with respect to the
18 use, withholding, or withdrawal of life-sustaining procedures
19 in the event of a terminal condition.

20 The bill is not to be interpreted to affect the right of
21 a patient to make decisions regarding use of life-sustaining
22 procedures as long as the patient is able to do so, nor to
23 impair or supersede any right or responsibility that any person
24 has to effect the withholding or withdrawal of medical care in
25 any lawful manner. The bill is not to be construed to condone,
26 authorize, or approve mercy killing or euthanasia, or to permit
27 any affirmative or deliberate act or omission to end life other
28 than to permit the natural process of dying.

29 The general assembly in 2008 Iowa Acts, chapter 1188,
30 section 36, established a two-year pilot project in Linn county
31 and in 2010 Iowa Acts, chapter 1192, section 58, expanded
32 the pilot project to Jones county and extended the duration
33 until June 30, 2012, to pilot the use of the POST form. The
34 legislation also directed the department to convene an advisory
35 council for the pilot project and directed the advisory council

LSB 5495YC (2) 84

pf/nh

7/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 to report its findings and recommendations to the general
2 assembly by January 1, 2012. The advisory council recommended
3 expanding the adoption of the POST form statewide.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 512 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act prohibiting certain credits for time served while on
2 probation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5232YC (2) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. Section 907.3, subsection 3, unnumbered
2 paragraph 1, Code Supplement 2011, is amended to read as
3 follows:
4 By record entry at the time of or after sentencing, the court
5 may suspend the sentence and place the defendant on probation
6 upon such terms and conditions as it may require including
7 commitment to an alternate jail facility or a community
8 correctional residential treatment facility to be followed
9 by a period of probation as specified in section 907.7, or
10 commitment of the defendant to the judicial district department
11 of correctional services for supervision or services under
12 section 901B.1 at the level of sanctions which the district
13 department determines to be appropriate and the payment of
14 fees imposed under section 905.14. A person so committed
15 who has probation revoked shall not be given credit for such
16 time served. However, the court shall not suspend any of the
17 following sentences:

18 EXPLANATION

19 This bill relates to receiving credit for time served while
20 on probation.
21 Under the bill, a person who receives a suspended sentence
22 shall not be given credit for time served while on probation in
23 an alternate jail facility, community correctional residential
24 treatment facility, or upon commitment to the judicial
25 district department of correctional services for supervision
26 or services.
27 The bill is in response to Anderson v. State, 801 N.W.2d 1
28 (Iowa 2011), in which the Iowa supreme court ruled Iowa law
29 requires a person, who is on probation and subsequently sent to
30 prison, to receive credit for the time served at an alternate
31 jail facility, a community correctional residential treatment
32 facility, or a judicial district department of correctional
33 services for supervision or services.
34 Credit for time served ultimately reduces the period of time
35 a person serves in confinement in a jail or prison. Credit for

LSB 5232YC (2) 84

-1-

jm/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 time served is not earned time under Code section 903A.2.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 513 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the criminal offense of solicitation to
2 commit murder and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5230YC (4) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. NEW SECTION. 707.3A Solicitation to commit
2 murder.

3 1. A person who commands, entreats, or otherwise attempts to
4 persuade another to commit murder as defined in section 707.1,
5 with the intent that such act be done and under circumstances
6 which corroborate that intent by clear and convincing evidence,
7 solicits another to commit that murder.

8 2. Renunciation, as provided for in section 705.2, is a
9 defense to a prosecution for solicitation under this section.

10 3. A person who solicits another to commit murder commits a
11 class "C" felony.

12 EXPLANATION

13 This bill creates a criminal offense relating to the
14 solicitation to commit murder.

15 Under the bill, a person who commands, entreats, or
16 otherwise attempts to persuade another to commit murder as
17 defined in Code section 707.1, with the intent that such act be
18 done and under circumstances which corroborate that intent by
19 clear and convincing evidence, solicits another to commit that
20 murder.

21 The bill provides that a person who commits solicitation to
22 commit murder commits a class "C" felony. A class "C" felony
23 is punishable by confinement for no more than 10 years and a
24 fine of at least \$1,000 but not more than \$10,000.

25 A general solicitation criminal offense is found in Code
26 section 705.1.

27 Code section 705.2 establishes renunciation as a defense to
28 solicitation.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 514 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the arrest of a material witness in a felony
2 criminal case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5231YC (4) 84
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. Section 804.11, Code 2011, is amended to read as
2 follows:

3 **804.11 Arrest of material witness.**

4 1. When a A law enforcement officer who has probable cause
5 to believe that a person is a necessary and material witness
6 to a felony and that such person might be unavailable for
7 ~~service of a subpoena~~ attendance at any deposition, proceeding,
8 hearing, or trial involving a felony, the officer may arrest
9 such person as a material witness with or without an arrest
10 warrant.

11 2. At the time of the arrest, the law enforcement officer
12 shall inform the person of the following:

13 ~~1- a.~~ The officer's identity as a law enforcement officer;
14 and.

15 ~~2- b.~~ The reason for the arrest which is that the person is
16 believed to be a material witness to an identified felony and
17 that the person might be unavailable for ~~service of a subpoena~~
18 attendance at a deposition, proceeding, hearing, or trial.

19 Sec. 2. Section 804.23, Code 2011, is amended to read as
20 follows:

21 **804.23 Initial appearance of arrested material witness before**
22 **magistrate.**

23 1. The officer shall, without unnecessary delay, take the
24 person arrested pursuant to section 804.11 before the nearest
25 or most accessible magistrate to the place where the arrest
26 occurred.

27 2. At the appearance before the magistrate, the law
28 enforcement officer shall make a showing to the magistrate, by
29 sworn affidavit, that probable cause exists to believe that
30 a person is a necessary and material witness to a felony and
31 that such person might be unavailable for ~~service of a subpoena~~
32 attendance at any deposition, proceeding, hearing, or trial
33 involving a felony. The Upon such a showing, the magistrate
34 may order the person released pursuant to section 811.2 if
35 the magistrate finds that such release will reasonably assure

LSB 5231YC (4) 84

-1-

jm/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 the attendance of the material witness at any deposition,
2 proceeding, hearing, or trial.

3 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 immediate importance, takes effect upon enactment.

5 EXPLANATION

6 This bill relates to the arrest of a material witness in a
7 felony criminal case.

8 The bill provides that a law enforcement officer who
9 has probable cause to believe that a material witness to a
10 felony might be unavailable for attendance at any deposition,
11 proceeding, hearing, or trial, may arrest the person as a
12 material witness. Current law requires the law enforcement
13 officer to have probable cause to believe a material witness to
14 a felony might be unavailable for service of a subpoena prior
15 to arresting the material witness.

16 The bill requires the law enforcement officer, without
17 unnecessary delay, to take the arrested material witness
18 before a judge and make a showing that probable cause exists
19 to believe the material witness might be unavailable for
20 attendance at any deposition, proceeding, hearing, or trial.
21 Upon a showing that probable cause exists, the judge may order
22 the material witness released pursuant to Code section 811.2,
23 if the magistrate finds such release will reasonably assure
24 the attendance of the material witness at any deposition,
25 proceeding, hearing, or trial.

26 If a material witness is released and subsequently fails to
27 appear, the person commits a simple misdemeanor pursuant to
28 Code section 811.2(8).

29 A simple misdemeanor is punishable by confinement for no
30 more than 30 days or a fine of at least \$65 but not more than
31 \$625 or by both.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 515 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to informal dispute resolution, by eliminating
2 a program for the establishment and support of locally
3 organized informal dispute resolution centers in the
4 office of prosecuting attorneys training coordinator of the
5 department of justice.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. Section 679A.18, Code 2011, is amended to read
2 as follows:
3 **679A.18 Chapter not retroactive.**
4 This chapter applies only to arbitration agreements made on
5 or after July 1, 1981. ~~Sections 679.1 to 679.18, Code 1981, do~~
6 ~~not apply to agreements to arbitrate entered into after July~~
7 ~~1, 1981.~~

8 Sec. 2. REPEAL. Chapter 679, Code 2011, is repealed.

9 EXPLANATION

10 This bill eliminates a program for the establishment and
11 support of locally organized informal dispute resolution
12 centers in the office of prosecuting attorneys training
13 coordinator of the department of justice contained in Code
14 chapter 679.

15 The bill makes a conforming change in Code section 679A.18
16 relating to the applicability of Code chapters 679 and 679A to
17 arbitration agreements entered into before and on or after July
18 1, 1981.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

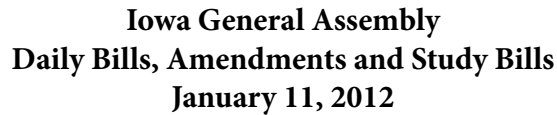
House Study Bill 516 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to employee stock ownership plans by
2 encouraging the adoption of such plans by Iowa corporations,
3 creating an individual income tax exemption, making an
4 appropriation, and including retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250DP (2) 84
mm/sc



1 DIVISION I
2 ESOP FORMATION ASSISTANCE
3 Section 1. EMPLOYEE STOCK OWNERSHIP PLAN ASSISTANCE AND
4 PROMOTION.
5 1. There is appropriated from the general fund of the state
6 to the economic development authority for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purposes designated:
10 For providing financial assistance, including establishment
11 of a loan program, and technical assistance, marketing, and
12 education to businesses interested in establishing employee
13 stock ownership plans and for procuring the services of an
14 independent contractor with expertise in the formation of
15 employee stock ownership plans:
16 \$ 1,000,000
17 Notwithstanding section 8.33, moneys appropriated pursuant
18 to this section shall not revert but shall remain available to
19 the economic development authority for the purposes designated
20 until expended. Notwithstanding section 12C.7, subsection 2,
21 earnings or interest on moneys appropriated pursuant to this
22 section shall be retained by the economic development authority
23 and used for the purposes designated until expended.

25 CAPITAL GAIN DEDUCTION FOR SALE TO AN IOWA ESOP

26 Sec. 2. Section 422.7, subsection 21, Code Supplement 2011,

27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. e. (1) To the extent not already excluded,

29 the net capital gain from the sale or exchange of employer

30 securities of an Iowa corporation to a qualified Iowa employee

31 stock ownership plan when, upon completion of the transaction,

32 the qualified Iowa employee stock ownership plan owns at least

33 thirty percent of all outstanding employer securities issued

34 by the Iowa corporation.

35 (2) For purposes of this paragraph:

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 (a) "*Employer securities*" means the same as defined in
2 section 409(1) of the Internal Revenue Code.

3 (b) "*Iowa corporation*" means a corporation whose commercial
4 domicile, as defined in section 422.32, is in this state.

5 (c) "*Qualified Iowa employee stock ownership plan*" means an
6 employee stock ownership plan, as defined in section 4975(e)(7)
7 of the Internal Revenue Code, and trust that are established
8 by an Iowa corporation for the benefit of the employees of the
9 corporation.

10 Sec. 3. RETROACTIVE APPLICABILITY. This division of this
11 Act applies retroactively to January 1, 2012, for tax years
12 beginning on or after that date.

13 EXPLANATION

14 This bill relates to employee stock ownership plans.

15 Division I of the bill provides for an appropriation of \$1
16 million to the economic development authority for the purpose
17 of providing financial assistance, including the establishment
18 of a loan program, and technical assistance, marketing, and
19 education to businesses regarding the formation of employee
20 stock ownership plans.

21 Division II of the bill provides for an exemption from the
22 computation of the state individual income tax of the net
23 capital gain from the sale or exchange of employer securities
24 of an Iowa corporation to a qualified Iowa employee stock
25 ownership plan if, upon completion of the sale or exchange,
26 the qualified Iowa employee stock ownership plan owns at least
27 30 percent of all outstanding employer securities issued
28 by the Iowa corporation. For purposes of the exemption,
29 "employer securities" means the same as defined in section
30 409(1) of the Internal Revenue Code, "Iowa corporation"
31 means a corporation whose commercial domicile is in Iowa,
32 and "qualified Iowa employee stock ownership plan" means an
33 employee stock ownership plan and trust that is established by
34 an Iowa corporation for the benefit of the employees of the
35 corporation.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Division II of the bill applies retroactively to January 1,
2 2012, for tax years beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 518 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to service of notice requirements for holders
2 of a property tax sale certificate of purchase.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5427YC (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

H.F. _____

1 Section 1. Section 447.9, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. Service of the notice shall be made by certified mail on
4 any mortgagee having a lien upon the parcel, a vendor of the
5 parcel under a recorded contract of sale, a lessor who has a
6 recorded lease or recorded memorandum of a lease, and any other
7 person who has an interest of record, at the person's last
8 known address. The notice shall be served on any city where
9 the parcel is situated. Notice shall not be served after the
10 filing of the affidavit required by section 447.12. Only those
11 persons who are required to be served the notice of expiration
12 as provided in this section or who have acquired an interest
13 in or possession of the parcel subsequent to the filing of the
14 notice of expiration of the right of redemption are eligible
15 to redeem a parcel from tax sale. Service of the notice by
16 certified mail is deemed completed when the notice is deposited
17 in the mail and postmarked for delivery.

18 EXPLANATION

19 This bill relates to the manner in which a holder of a
20 property tax sale certificate of purchase provides certain
21 notices under Code chapter 447 (tax redemption) following a
22 tax sale. The bill requires that service of the notice of
23 expiration of right of redemption made on specified lienholders
24 and interest holders be made by certified mail and specifies
25 when service of such notice is deemed completed.

26 Certified mail means a mail service provided by the United
27 States postal service where the post office provides the mailer
28 with a receipt to prove mailing.

29 Pursuant to Code section 447.14, the law in effect at the
30 time of tax sale governs redemption.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

House Study Bill 519 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to property taxation and local government
2 budgets by establishing and modifying property assessment
3 limitations, providing for certain property tax replacement
4 payments, establishing budget limitations for counties and
5 cities, eliminating certain reporting requirements, making
6 appropriations, and including applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5399XL (11) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 DIVISION I
2 PROPERTY ASSESSMENT LIMITATIONS — PROPERTY TAX REPLACEMENT
3 Section 1. Section 257.3, subsection 1, Code 2011, is
4 amended by adding the following new paragraph:
5 NEW PARAGRAPH. d. The amount paid to each school district
6 for the commercial and industrial property tax replacement
7 claim under section 441.21A shall be regarded as property tax.
8 The portion of the payment which is foundation property tax
9 shall be determined by applying the foundation property tax
10 rate to the amount computed under section 441.21A, subsection
11 4, paragraph "a", and such amount shall be prorated pursuant to
12 section 441.21A, subsection 2, if applicable.
13 Sec. 2. Section 331.512, Code 2011, is amended by adding
14 the following new subsection:
15 NEW SUBSECTION. 13A. Carry out duties relating to the
16 calculation and payment of commercial and industrial property
17 tax replacement claims under section 441.21A.
18 Sec. 3. Section 331.559, Code 2011, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 25A. Carry out duties relating to the
21 calculation and payment of commercial and industrial property
22 tax replacement claims under section 441.21A.
23 Sec. 4. Section 441.21, subsection 4, Code Supplement 2011,
24 is amended to read as follows:
25 4. For valuations established as of January 1, 1979,
26 the percentage of actual value at which agricultural and
27 residential property shall be assessed shall be the quotient
28 of the dividend and divisor as defined in this section. The
29 dividend for each class of property shall be the dividend
30 as determined for each class of property for valuations
31 established as of January 1, 1978, adjusted by the product
32 obtained by multiplying the percentage determined for that
33 year by the amount of any additions or deletions to actual
34 value, excluding those resulting from the revaluation of
35 existing properties, as reported by the assessors on the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 abstracts of assessment for 1978, plus six percent of the
2 amount so determined. However, if the difference between the
3 dividend so determined for either class of property and the
4 dividend for that class of property for valuations established
5 as of January 1, 1978, adjusted by the product obtained by
6 multiplying the percentage determined for that year by the
7 amount of any additions or deletions to actual value, excluding
8 those resulting from the revaluation of existing properties,
9 as reported by the assessors on the abstracts of assessment
10 for 1978, is less than six percent, the 1979 dividend for the
11 other class of property shall be the dividend as determined for
12 that class of property for valuations established as of January
13 1, 1978, adjusted by the product obtained by multiplying
14 the percentage determined for that year by the amount of
15 any additions or deletions to actual value, excluding those
16 resulting from the revaluation of existing properties, as
17 reported by the assessors on the abstracts of assessment for
18 1978, plus a percentage of the amount so determined which is
19 equal to the percentage by which the dividend as determined
20 for the other class of property for valuations established
21 as of January 1, 1978, adjusted by the product obtained by
22 multiplying the percentage determined for that year by the
23 amount of any additions or deletions to actual value, excluding
24 those resulting from the revaluation of existing properties,
25 as reported by the assessors on the abstracts of assessment
26 for 1978, is increased in arriving at the 1979 dividend for
27 the other class of property. The divisor for each class
28 of property shall be the total actual value of all such
29 property in the state in the preceding year, as reported by
30 the assessors on the abstracts of assessment submitted for
31 1978, plus the amount of value added to said total actual
32 value by the revaluation of existing properties in 1979 as
33 equalized by the director of revenue pursuant to section
34 441.49. The director shall utilize information reported on
35 abstracts of assessment submitted pursuant to section 441.45



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 in determining such percentage. For valuations established
2 as of January 1, 1980, and each assessment year thereafter
3 beginning before January 1, 2013, the percentage of actual
4 value as equalized by the director of revenue as provided
5 in section 441.49 at which agricultural and residential
6 property shall be assessed shall be calculated in accordance
7 with the methods provided herein including the limitation of
8 increases in agricultural and residential assessed values to
9 the percentage increase of the other class of property if the
10 other class increases less than the allowable limit adjusted to
11 include the applicable and current values as equalized by the
12 director of revenue, except that any references to six percent
13 in this subsection shall be four percent. For valuations
14 established as of January 1, 2013, and each assessment year
15 thereafter, the percentage of actual value as equalized by the
16 director of revenue as provided in section 441.49 at which
17 agricultural and residential property shall be assessed shall
18 be calculated in accordance with the methods provided herein
19 including the limitation of increases in agricultural and
20 residential assessed values to the percentage increase of the
21 other class of property if the other class increases less
22 than the allowable limit adjusted to include the applicable
23 and current values as equalized by the director of revenue,
24 except that any references to six percent in this subsection
25 shall be two percent. However, for valuations established as
26 of January 1, 2013, and each assessment year thereafter, the
27 percentage of actual value as equalized by the director of
28 revenue as provided in section 441.49 at which agricultural
29 and residential property shall be assessed, as calculated in
30 accordance with the methods provided herein, shall not increase
31 or decrease more than two percentage points from the percentage
32 of actual value applicable to the same class of property in the
33 previous assessment year.

34 Sec. 5. Section 441.21, subsection 5, Code Supplement 2011,
35 is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 5. a. ~~For valuations established as of January 1, 1979,~~
2 ~~commercial property and industrial property, excluding~~
3 ~~properties referred to in section 427A.1, subsection 8, shall~~
4 ~~be assessed as a percentage of the actual value of each class~~
5 ~~of property. The percentage shall be determined for each~~
6 ~~class of property by the director of revenue for the state in~~
7 ~~accordance with the provisions of this section. For valuations~~
8 ~~established as of January 1, 1979, the percentage shall be~~
9 ~~the quotient of the dividend and divisor as defined in this~~
10 ~~section. The dividend for each class of property shall be the~~
11 ~~total actual valuation for each class of property established~~
12 ~~for 1978, plus six percent of the amount so determined. The~~
13 ~~divisor for each class of property shall be the valuation~~
14 ~~for each class of property established for 1978, as reported~~
15 ~~by the assessors on the abstracts of assessment for 1978,~~
16 ~~plus the amount of value added to the total actual value by~~
17 ~~the revaluation of existing properties in 1979 as equalized~~
18 ~~by the director of revenue pursuant to section 441.49. For~~
19 ~~valuations established as of January 1, 1979, property valued~~
20 ~~by the department of revenue pursuant to chapters 428, 433,~~
21 ~~437, and 438 shall be considered as one class of property and~~
22 ~~shall be assessed as a percentage of its actual value. The~~
23 ~~percentage shall be determined by the director of revenue in~~
24 ~~accordance with the provisions of this section. For valuations~~
25 ~~established as of January 1, 1979, the percentage shall be~~
26 ~~the quotient of the dividend and divisor as defined in this~~
27 ~~section. The dividend shall be the total actual valuation~~
28 ~~established for 1978 by the department of revenue, plus ten~~
29 ~~percent of the amount so determined. The divisor for property~~
30 ~~valued by the department of revenue pursuant to chapters 428,~~
31 ~~433, 437, and 438 shall be the valuation established for 1978,~~
32 ~~plus the amount of value added to the total actual value by~~
33 ~~the revaluation of the property by the department of revenue~~
34 ~~as of January 1, 1979. For valuations established as of~~
35 ~~January 1, 1980, commercial property and industrial property,~~

LSB 5399XL (11) 84

md/sc

4/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~excluding properties referred to in section 427A.1, subsection~~
2 ~~8, shall be assessed at a percentage of the actual value of~~
3 ~~each class of property. The percentage shall be determined~~
4 ~~for each class of property by the director of revenue for the~~
5 ~~state in accordance with the provisions of this section. For~~
6 ~~valuations established as of January 1, 1980, the percentage~~
7 ~~shall be the quotient of the dividend and divisor as defined in~~
8 ~~this section. The dividend for each class of property shall~~
9 ~~be the dividend as determined for each class of property for~~
10 ~~valuations established as of January 1, 1979, adjusted by the~~
11 ~~product obtained by multiplying the percentage determined~~
12 ~~for that year by the amount of any additions or deletions to~~
13 ~~actual value, excluding those resulting from the revaluation~~
14 ~~of existing properties, as reported by the assessors on the~~
15 ~~abstracts of assessment for 1979, plus four percent of the~~
16 ~~amount so determined. The divisor for each class of property~~
17 ~~shall be the total actual value of all such property in 1979,~~
18 ~~as equalized by the director of revenue pursuant to section~~
19 ~~441.49, plus the amount of value added to the total actual~~
20 ~~value by the revaluation of existing properties in 1980. The~~
21 ~~director shall utilize information reported on the abstracts of~~
22 ~~assessment submitted pursuant to section 441.45 in determining~~
23 ~~such percentage. For valuations established as of January 1,~~
24 ~~1980, property valued by the department of revenue pursuant~~
25 ~~to chapters 428, 433, 437, and 438 shall be assessed at a~~
26 ~~percentage of its actual value. The percentage shall be~~
27 ~~determined by the director of revenue in accordance with the~~
28 ~~provisions of this section. For valuations established as of~~
29 ~~January 1, 1980, the percentage shall be the quotient of the~~
30 ~~dividend and divisor as defined in this section. The dividend~~
31 ~~shall be the total actual valuation established for 1979 by~~
32 ~~the department of revenue, plus eight percent of the amount so~~
33 ~~determined. The divisor for property valued by the department~~
34 ~~of revenue pursuant to chapters 428, 433, 437, and 438 shall be~~
35 ~~the valuation established for 1979, plus the amount of value~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 added to the total actual value by the revaluation of the
2 property by the department of revenue as of January 1, 1980.
3 ~~For valuations established as of January 1, 1981, and each~~
4 ~~year thereafter, the percentage of actual value as equalized~~
5 ~~by the director of revenue as provided in section 441.49 at~~
6 ~~which commercial property and industrial property, excluding~~
7 ~~properties referred to in section 427A.1, subsection 8, shall~~
8 ~~be assessed shall be calculated in accordance with the methods~~
9 ~~provided herein, except that any references to six percent~~
10 ~~in this subsection shall be four percent.~~ For valuations
11 established as of January 1, 1981, and each year thereafter,
12 the percentage of actual value at which property valued by
13 the department of revenue pursuant to chapters 428, 433, 437,
14 and 438 shall be assessed shall be calculated in accordance
15 with the methods provided herein, except that any references
16 to ten percent in this subsection shall be eight percent.
17 Beginning with valuations established as of January 1, 1979,
18 and each assessment year thereafter beginning before January
19 1, 2013, property valued by the department of revenue pursuant
20 to chapter 434 shall also be assessed at a percentage of its
21 actual value which percentage shall be equal to the percentage
22 determined by the director of revenue for commercial property,
23 industrial property, or property valued by the department of
24 revenue pursuant to chapters 428, 433, 437, and 438, whichever
25 is lowest. For valuations established on or after January 1,
26 2013, property valued by the department of revenue pursuant to
27 chapter 434 shall be assessed at a percentage of its actual
28 value equal to the percentage of actual value at which property
29 assessed as commercial property is assessed for the same
30 assessment year.
31 b. (1) For valuations established on or after January 1,
32 2013, commercial property, excluding properties referred to in
33 section 427A.1, subsection 8, shall be assessed as a percentage
34 of its actual value, as determined in this paragraph "b".
35 For valuations established for the assessment year beginning



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 January 1, 2013, the percentage of actual value as equalized by
2 the director of revenue as provided in section 441.49 at which
3 commercial property shall be assessed shall be ninety-five
4 percent. For valuations established for the assessment year
5 beginning January 1, 2014, the percentage of actual value as
6 equalized by the director of revenue as provided in section
7 441.49 at which commercial property shall be assessed shall be
8 ninety percent. For valuations established for the assessment
9 year beginning January 1, 2015, the percentage of actual value
10 as equalized by the director of revenue as provided in section
11 441.49 at which commercial property shall be assessed shall be
12 eighty-five percent.

13 (2) For valuations established for the assessment year
14 beginning January 1, 2016, and each assessment year thereafter,
15 the percentage of actual value as equalized by the director
16 of revenue as provided in section 441.49 at which commercial
17 property shall be assessed shall be the percentage of actual
18 value that commercial property was assessed in the previous
19 assessment year, unless the statewide commercial and industrial
20 property valuation growth condition under section 441.21A,
21 subsection 1, is satisfied and the state appropriation
22 under section 441.21A, subsection 1, for the fiscal year in
23 which taxes from the assessment year are due and payable is
24 not otherwise reduced by law. If such statewide valuation
25 growth and state appropriation conditions are satisfied, the
26 percentage of actual value as equalized by the director of
27 revenue as provided in section 441.49 at which commercial
28 property shall be assessed shall be the percentage of actual
29 value that commercial property was assessed in the previous
30 assessment year minus five percentage points. However, for any
31 assessment year, the percentage of actual value shall not be
32 less than sixty percent.

33 c. (1) For valuations established on or after January 1,
34 2013, industrial property, excluding properties referred to in
35 section 427A.1, subsection 8, shall be assessed as a percentage



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of its actual value, as determined in this paragraph "c".
2 For valuations established for the assessment year beginning
3 January 1, 2013, the percentage of actual value as equalized by
4 the director of revenue as provided in section 441.49 at which
5 industrial property shall be assessed shall be ninety-five
6 percent. For valuations established for the assessment year
7 beginning January 1, 2014, the percentage of actual value as
8 equalized by the director of revenue as provided in section
9 441.49 at which industrial property shall be assessed shall be
10 ninety percent. For valuations established for the assessment
11 year beginning January 1, 2015, the percentage of actual value
12 as equalized by the director of revenue as provided in section
13 441.49 at which industrial property shall be assessed shall be
14 eighty-five percent.

15 (2) For valuations established for the assessment year
16 beginning January 1, 2016, and each assessment year thereafter,
17 the percentage of actual value as equalized by the director
18 of revenue as provided in section 441.49 at which industrial
19 property shall be assessed shall be the percentage of actual
20 value that industrial property was assessed in the previous
21 assessment year, unless the statewide commercial and industrial
22 property valuation growth condition under section 441.21A,
23 subsection 1, is satisfied and the state appropriation
24 under section 441.21A, subsection 1, for the fiscal year in
25 which taxes from the assessment year are due and payable is
26 not otherwise reduced by law. If such statewide valuation
27 growth and state appropriation conditions are satisfied, the
28 percentage of actual value as equalized by the director of
29 revenue as provided in section 441.49 at which industrial
30 property shall be assessed shall be the percentage of actual
31 value that industrial property was assessed in the previous
32 assessment year minus five percentage points. However, for any
33 assessment year, the percentage of actual value shall not be
34 less than sixty percent.

35 **Sec. 6. NEW SECTION. 441.21A Commercial and industrial**

LSB 5399XL (11) 84

-8-

md/sc

8/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 **property tax replacement fund — replacement claims.**

2 1. *a.* The commercial and industrial property tax
3 replacement fund is created in the state treasury under
4 the control of the department of revenue for the payment of
5 commercial and industrial property tax replacement claims in
6 fiscal years beginning on or after July 1, 2014.

7 *b.* For the fiscal year beginning July 1, 2014, there
8 is appropriated from the general fund of the state to the
9 department of revenue to be credited to the fund, fifty million
10 dollars.

11 *c.* For fiscal years beginning on or after July 1, 2015,
12 there is annually appropriated from the general fund of the
13 state to the department of revenue to be credited to the fund
14 an amount equal to the amount of the appropriation to the fund
15 required under this subsection for the previous fiscal year,
16 unless the total statewide actual value of all commercial and
17 industrial property for the budget assessment year exceeds one
18 hundred four percent of the total statewide actual value of all
19 commercial and industrial property in the base assessment year.
20 If such an increase in the statewide actual value of commercial
21 and industrial property occurs for the budget assessment year,
22 the amount of the appropriation shall instead be an amount
23 equal to the sum of the amount of the appropriation to the fund
24 required under this subsection for the previous fiscal year
25 plus one of the following amounts:

26 (1) Fifty million dollars, if the amount of the
27 appropriation required under this subsection for the previous
28 fiscal year was less than one hundred fifty million dollars.

29 (2) Thirty million dollars, if the amount of the
30 appropriation required under this subsection for the previous
31 fiscal year was greater than or equal to one hundred fifty
32 million dollars, but less than two hundred forty million
33 dollars.

34 (3) Zero dollars, if the amount of the appropriation
35 required under this subsection for the previous fiscal year was



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 two hundred forty million dollars.

2 *d.* For purposes of this section:

3 (1) "*Base assessment year*" means the assessment year for the
4 property taxes that were due and payable during the most recent
5 fiscal year in which there was an increase required under this
6 subsection in the appropriation to the fund. For the purposes
7 of determining a base assessment year, the appropriation for
8 the fiscal year beginning July 1, 2014, shall constitute an
9 increase required under this subsection in the appropriation
10 to the commercial and industrial property tax replacement fund
11 over the previous fiscal year.

12 (2) "*Budget assessment year*" means the assessment year for
13 the property taxes due and payable in the fiscal year for which
14 the appropriation is made.

15 2. Beginning with the fiscal year beginning July 1, 2014,
16 each county treasurer shall be paid from the commercial and
17 industrial property tax replacement fund an amount equal to
18 the amount of the commercial and industrial property tax
19 replacement claims in the county, as calculated in subsection
20 4. If an amount appropriated for a fiscal year is insufficient
21 to pay all replacement claims, the director of revenue
22 shall prorate the disbursements from the fund to the county
23 treasurers and shall notify the county auditors of the pro rata
24 percentage on or before September 30. Any unspent balance in
25 the fund as of June 30 of each year shall revert to the general
26 fund of the state as provided by section 8.33.

27 3. On or before July 1 of each fiscal year beginning on
28 or after July 1, 2014, the assessor shall determine the total
29 assessed value of all commercial and industrial property
30 assessed for taxes due and payable in that fiscal year and the
31 total assessed value of such property assessed as of January 1,
32 2012, and shall report the valuations to the county auditor.

33 4. On or before September 1 of each fiscal year beginning
34 on or after July 1, 2014, the county auditor shall prepare
35 a statement, based upon the report received pursuant to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 subsection 3, listing for each taxing district in the county:
2 *a.* The difference between the assessed valuation of all
3 commercial and industrial property assessed for the current
4 assessment year, beginning with the assessment year beginning
5 January 1, 2013, and the assessed value of all commercial
6 and industrial property assessed as of January 1, 2012. If
7 the assessed value of all commercial and industrial property
8 assessed as of January 1, 2012, is less than the assessed
9 valuation of all commercial and industrial property for the
10 current assessment year, there is no tax replacement for that
11 taxing district for the fiscal year.

12 *b.* The tax levy rate for each taxing district for that
13 fiscal year.

14 *c.* The commercial and industrial property tax replacement
15 claim for each taxing district. For fiscal years beginning on
16 or after July 1, 2014, the replacement claim is equal to the
17 amount determined pursuant to paragraph "*a*", multiplied by the
18 tax rate specified in paragraph "*b*".

19 5. For purposes of computing replacement amounts under
20 this section, that portion of an urban renewal area defined as
21 the sum of the assessed valuations defined in section 403.19,
22 subsections 1 and 2, shall be considered a taxing district.

23 6. *a.* The county auditor shall certify and forward one copy
24 of the statement to the department of revenue not later than
25 September 1 of each year.

26 *b.* The replacement claims shall be paid to each county
27 treasurer in equal installments in September and March of each
28 year. The county treasurer shall apportion the replacement
29 claim payments among the eligible taxing districts in the
30 county.

31 *c.* If the taxing district is an urban renewal area, the
32 amount of the replacement claim shall be apportioned as
33 provided in subsection 7.

34 7. *a.* If the total assessed value of property located in an
35 urban renewal area taxing district for the budget assessment



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 year is equal to or more than that portion of such valuation
2 defined in section 403.19, subsection 1, the total replacement
3 claim amount computed pursuant to subsection 4 shall be
4 credited to that portion of the assessed value defined in
5 section 403.19, subsection 2.

6 **b.** If the total assessed value of the property located in an
7 urban renewal area taxing district for the budget assessment
8 year is less than that portion of such valuation defined in
9 section 403.19, subsection 1, the replacement amount shall be
10 credited to those portions of the assessed value defined in
11 section 403.19, subsections 1 and 2, as follows:

12 (1) To that portion defined in section 403.19, subsection
13 1, an amount equal to the amount that would be produced by
14 multiplying the applicable consolidated levy rate times the
15 difference between the assessed value of the taxable property
16 defined in section 403.19, subsection 1, and the total assessed
17 value of the property located in the urban renewal area
18 taxing district in the budget assessment year for which the
19 replacement claim is computed.

20 (2) To that portion defined in section 403.19, subsection 2,
21 the remaining amount, if any.

22 **c.** Notwithstanding the allocation provisions of paragraphs
23 "a" and "b", the amount of the tax replacement amount that shall
24 be allocated to that portion of the assessed value defined
25 in section 403.19, subsection 2, shall not exceed the amount
26 equal to the amount certified to the county auditor under
27 section 403.19 for the budget year in which the claim is paid,
28 after deduction of the amount of other revenues committed for
29 payment on that amount for the budget year. The amount not
30 allocated to that portion of the assessed value defined in
31 section 403.19, subsection 2, as a result of the operation of
32 this paragraph, shall be allocated to that portion of assessed
33 value defined in section 403.19, subsection 1.

34 **d.** The amount of the replacement claim amount credited to
35 the portion of the assessed value defined in section 403.19,

LSB 5399XL (11) 84

-12-

md/sc

12/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 subsection 1, shall be allocated to and when received be paid
2 into the fund for the respective taxing district as taxes by
3 or for the taxing district into which all other property taxes
4 are paid. The amount of the replacement claim amount credited
5 to the portion of the assessed value defined in section 403.19,
6 subsection 2, shall be allocated to and when collected be paid
7 into the special fund of the municipality under section 403.19,
8 subsection 2.

9 Sec. 7. SAVINGS PROVISION. This division of this Act,
10 pursuant to section 4.13, does not affect the operation of,
11 or prohibit the application of, prior provisions of section
12 441.21, or rules adopted under chapter 17A to administer prior
13 provisions of section 441.21, for assessment years beginning
14 before January 1, 2013, and for duties, powers, protests,
15 appeals, proceedings, actions, or remedies attributable to an
16 assessment year beginning before January 1, 2013.

17 Sec. 8. APPLICABILITY. This division of this Act applies to
18 assessment years beginning on or after January 1, 2013.

19 DIVISION II

20 COUNTY AND CITY BUDGET LIMITATION

21 Sec. 9. Section 23A.2, subsection 10, paragraph h, Code
22 2011, is amended to read as follows:

23 *h.* The performance of an activity listed in section 331.424,
24 Code 2011, as a service ~~for which a supplemental levy county~~
25 ~~may be certified~~ include in its budget.

26 Sec. 10. Section 28M.5, subsection 2, Code 2011, is amended
27 to read as follows:

28 2. If a regional transit district budget allocates
29 revenue responsibilities to the board of supervisors of a
30 participating county, the amount of the regional transit
31 district levy that is the responsibility of the participating
32 county shall be deducted from the maximum ~~rates~~ amount of taxes
33 authorized to be levied by the county pursuant to section
34 331.423, ~~subsections 1 and 2~~ subsection 3, paragraphs "b"
35 and "c", as applicable, unless the county meets its revenue

LSB 5399XL (11) 84

-13-

md/sc

13/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 responsibilities as allocated in the budget from other
2 available revenue sources. However, for a regional transit
3 district that includes a county with a population of less than
4 three hundred thousand, the amount of the regional transit
5 district levy that is the responsibility of such participating
6 county shall be deducted from the maximum ~~rate~~ amount of taxes
7 authorized to be levied by the county pursuant to section
8 331.423, subsection ~~1~~ 3, paragraph "b".

9 Sec. 11. Section 123.38, subsection 2, Code 2011, is amended
10 to read as follows:

11 2. Any licensee or permittee, or the licensee's or
12 permittee's executor or administrator, or any person duly
13 appointed by the court to take charge of and administer the
14 property or assets of the licensee or permittee for the benefit
15 of the licensee's or permittee's creditors, may voluntarily
16 surrender a license or permit to the division. When a license
17 or permit is surrendered the division shall notify the local
18 authority, and the division or the local authority shall
19 refund to the person surrendering the license or permit, a
20 proportionate amount of the fee received by the division or
21 the local authority for the license or permit as follows: if
22 a license or permit is surrendered during the first three
23 months of the period for which it was issued, the refund shall
24 be three-fourths of the amount of the fee; if surrendered
25 more than three months but not more than six months after
26 issuance, the refund shall be one-half of the amount of the
27 fee; if surrendered more than six months but not more than
28 nine months after issuance, the refund shall be one-fourth of
29 the amount of the fee. No refund shall be made, however, for
30 any special liquor permit, nor for a liquor control license,
31 wine permit, or beer permit surrendered more than nine months
32 after issuance. For purposes of this subsection, any portion
33 of license or permit fees used for the purposes authorized in
34 section 331.424, subsection 1, paragraph "a", subparagraphs
35 (1) and (2), Code 2011, and in section 331.424A, shall not be

LSB 5399XL (11) 84

-14-

md/sc

14/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 deemed received either by the division or by a local authority.
2 No refund shall be made to any licensee or permittee, upon the
3 surrender of the license or permit, if there is at the time
4 of surrender, a complaint filed with the division or local
5 authority, charging the licensee or permittee with a violation
6 of this chapter. If upon a hearing on a complaint the license
7 or permit is not revoked or suspended, then the licensee or
8 permittee is eligible, upon surrender of the license or permit,
9 to receive a refund as provided in this section; but if the
10 license or permit is revoked or suspended upon hearing the
11 licensee or permittee is not eligible for the refund of any
12 portion of the license or permit fee.

13 Sec. 12. Section 218.99, Code 2011, is amended to read as
14 follows:

15 **218.99 Counties to be notified of patients' personal**
16 **accounts.**

17 The administrator in control of a state institution shall
18 direct the business manager of each institution under the
19 administrator's jurisdiction ~~which is mentioned in section~~
20 ~~331.424, subsection 1, paragraph "a", subparagraphs (1)~~
21 ~~and (2), and for which services are paid under section~~
22 ~~331.424A, to quarterly inform the county of legal settlement's~~
23 ~~entity designated to perform the county's central point of~~
24 ~~coordination process of any patient or resident who has an~~
25 ~~amount in excess of two hundred dollars on account in the~~
26 ~~patients' personal deposit fund and the amount on deposit. The~~
27 ~~administrators shall direct the business manager to further~~
28 ~~notify the entity designated to perform the county's central~~
29 ~~point of coordination process at least fifteen days before the~~
30 ~~release of funds in excess of two hundred dollars or upon the~~
31 ~~death of the patient or resident. If the patient or resident~~
32 ~~has no county of legal settlement, notice shall be made to the~~
33 ~~director of human services and the administrator in control of~~
34 ~~the institution involved.~~

35 Sec. 13. Section 331.263, subsection 2, Code 2011, is

LSB 5399XL (11) 84

-15-

md/sc

15/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 amended to read as follows:

2 2. The governing body of the community commonwealth
3 shall have the authority to levy county taxes and shall
4 have the authority to levy city taxes to the extent the
5 city tax levy authority is transferred by the charter to
6 the community commonwealth. A city participating in the
7 community commonwealth shall transfer a portion of the
8 city's tax levy authorized under section 384.1 or 384.12,
9 whichever is applicable, to the governing body of the community
10 commonwealth. The maximum rates amount of taxes authorized to
11 be levied under sections section 384.1 and the maximum amount
12 of taxes authorized to be levied under section 384.12 by a city
13 participating in the community commonwealth shall be reduced
14 by an amount equal to the rates of the same or similar taxes
15 levied in the city by the governing body of the community
16 commonwealth.

17 Sec. 14. Section 331.301, subsection 12, Code Supplement
18 2011, is amended to read as follows:

19 12. The board of supervisors may credit funds to a reserve
20 for the purposes authorized by subsection 11 of this section;
21 ~~section 331.424, subsection 1, paragraph "a", subparagraph~~
22 ~~(6);~~ and section 331.441, subsection 2, paragraph "b". Moneys
23 credited to the reserve, and interest earned on such moneys,
24 shall remain in the reserve until expended for purposes
25 authorized by subsection 11 of this section; ~~section 331.424,~~
26 ~~subsection 1, paragraph "a", subparagraph (6);~~ or section
27 331.441, subsection 2, paragraph "b".

28 Sec. 15. Section 331.421, subsections 1 and 10, Code 2011,
29 are amended by striking the subsections.

30 Sec. 16. Section 331.421, Code 2011, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 7A. "Item" means a budgeted expenditure,
33 appropriation, or cash reserve from a fund for a service area,
34 program, program element, or purpose.

35 Sec. 17. Section 331.423, Code 2011, is amended by striking

LSB 5399XL (11) 84

-16-

md/sc

16/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the section and inserting in lieu thereof the following:

2 **331.423 Property tax dollars — maximums.**

3 1. Annually, the board shall determine separate property
4 tax levy limits to pay for general county services and rural
5 county services in accordance with this section. The property
6 tax levies separately certified for general county services and
7 rural county services under section 331.434 shall not raise
8 property tax dollars that exceed the amount determined under
9 this section.

10 2. For purposes of this section and section 331.423B, unless
11 the context otherwise requires:

12 *a. "Annual growth factor"* means an index, expressed as
13 a percentage, determined by the department of management by
14 January 1 of the calendar year in which the budget year begins.
15 In determining the annual growth factor, the department shall
16 calculate the average of the preceding twelve-month percentage
17 change, which shall be computed on a monthly basis, in the
18 midwest consumer price index, ending with the percentage change
19 for the month of November. The department shall then add that
20 average percentage change to one hundred percent. In no case,
21 however, shall the annual growth factor exceed one hundred four
22 percent.

23 *b. "Boundary adjustment"* means annexation, severance,
24 incorporation, or discontinuance as those terms are defined in
25 section 368.1.

26 *c. "Budget year"* is the fiscal year beginning during the
27 calendar year in which a budget is certified.

28 *d. "Current fiscal year"* is the fiscal year ending during
29 the calendar year in which a budget is certified.

30 *e. "Net new valuation taxes"* means the amount of property
31 tax dollars equal to the current fiscal year's levy rate in
32 the county for general county services or for rural county
33 services, as applicable, multiplied by the increase from the
34 current fiscal year to the budget year in taxable valuation due
35 to the following:

LSB 5399XL (11) 84

-17-

md/sc

17/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

- 1 (1) Net new construction, excluding all incremental
2 valuation that is released in any one year from either a
3 division of revenue under section 260E.4 or an urban renewal
4 area for which taxes were being divided under section 403.19 if
5 the property for the valuation being released remains subject
6 to the division of revenue under section 260E.4 or remains part
7 of the urban renewal area that is subject to a division of
8 revenue under section 403.19.
- 9 (2) Additions or improvements to existing structures.
- 10 (3) Remodeling of existing structures for which a building
11 permit is required.
- 12 (4) Net boundary adjustment.
- 13 (5) A municipality no longer dividing tax revenues in an
14 urban renewal area as provided in section 403.19 or a community
15 college no longer dividing revenues as provided in section
16 260E.4.
- 17 (6) That portion of taxable property located in an urban
18 revitalization area on which an exemption was allowed and such
19 exemption has expired.
- 20 3. a. For the fiscal year beginning July 1, 2013, and
21 subsequent fiscal years, the maximum amount of property tax
22 dollars which may be certified for levy by a county for general
23 county services and rural county services shall be the maximum
24 property tax dollars calculated under paragraphs "b" and "c",
25 respectively.
- 26 b. The maximum property tax dollars that may be levied for
27 general county services is an amount equal to the sum of the
28 following:
- 29 (1) The annual growth factor times the current fiscal year's
30 maximum property tax dollars for general county services.
- 31 (2) The amount of net new valuation taxes in the county.
- 32 c. The maximum property tax dollars that may be levied for
33 rural county services is an amount equal to the sum of the
34 following:
- 35 (1) The annual growth factor times the current fiscal year's



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 maximum property tax dollars for rural county services.

2 (2) The amount of net new valuation taxes in the
3 unincorporated area of the county.

4 4. a. For purposes of calculating maximum property tax
5 dollars for general county services for the fiscal year
6 beginning July 1, 2013, only, the term "*current fiscal year's*
7 *maximum property tax dollars*" shall mean the total amount of
8 property tax dollars certified by the county for general county
9 services for the fiscal year beginning July 1, 2012.

10 b. For purposes of calculating maximum property tax dollars
11 for rural county services for the fiscal year beginning July
12 1, 2013, only, the term "*current fiscal year's maximum property*
13 *tax dollars*" shall mean the total amount of property tax dollars
14 certified by the county for rural county services for the
15 fiscal year beginning July 1, 2012.

16 5. Property taxes certified for mental health, mental
17 retardation, and developmental disabilities services, the
18 emergency services fund in section 331.424C, the debt service
19 fund in section 331.430, any capital projects fund established
20 by the county for deposit of bond, loan, or note proceeds, and
21 any temporary increase approved pursuant to section 331.424,
22 are not included in the maximum amount of property tax dollars
23 that may be certified for a budget year under subsection 3.

24 6. The department of management, in consultation with the
25 county finance committee, shall adopt rules to administer this
26 section. The department shall prescribe forms to be used by
27 counties when making calculations required by this section.

28 Sec. 18. NEW SECTION. 331.423B **Ending fund balance.**

29 1. a. Budgeted ending fund balances for a budget year
30 in excess of twenty-five percent of budgeted expenditures in
31 either the general fund or rural services fund for that budget
32 year shall be explicitly reserved or designated for a specific
33 purpose.

34 b. A county is encouraged, but not required, to reduce
35 budgeted, unreserved, or undesignated ending fund balances for

LSB 5399XL (11) 84

-19-

md/sc

19/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the budget year to an amount equal to approximately twenty-five
2 percent of budgeted expenditures and transfers from the general
3 fund and rural services fund for that budget year unless a
4 decision is certified by the state appeal board ordering a
5 reduction in the ending fund balance of any of those funds.

6 *c.* In a protest to the county budget under section 331.436,
7 the county shall have the burden of proving that the budgeted
8 balances in excess of twenty-five percent are reasonably likely
9 to be appropriated for the explicitly reserved or designated
10 specific purpose. The excess budgeted balance for the specific
11 purpose shall be considered an increase in an item in the
12 budget for purposes of section 24.28.

13 2. *a.* For a county that has, as of June 30, 2012, reduced
14 its actual ending fund balance to less than twenty-five
15 percent of actual expenditures, additional property taxes may
16 be computed and levied as provided in this subsection. The
17 additional property tax levy amount is an amount not to exceed
18 twenty-five percent of actual expenditures from the general
19 fund and rural services fund for the fiscal year beginning July
20 1, 2011, minus the combined ending fund balances for those
21 funds for that year.

22 *b.* The amount of the additional property taxes shall be
23 apportioned between the general fund and the rural services
24 fund. However, the amount apportioned for general county
25 services and for rural county services shall not exceed for
26 each fund twenty-five percent of actual expenditures for the
27 fiscal year beginning July 1, 2011.

28 *c.* All or a portion of additional property tax dollars
29 may be levied for the purpose of increasing cash reserves
30 for general county services and rural county services in the
31 budget year. The additional property tax dollars authorized
32 under this subsection but not levied may be carried forward as
33 unused ending fund balance taxing authority until and for the
34 fiscal year beginning July 1, 2018. The amount carried forward
35 shall not exceed twenty-five percent of the maximum amount of

LSB 5399XL (11) 84

-20-

md/sc

20/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 property tax dollars available in the current fiscal year.
2 Additionally, property taxes that are levied as unused ending
3 fund balance taxing authority under this subsection may be the
4 subject of a protest under section 331.436, and the amount
5 will be considered an increase in an item in the budget for
6 purposes of section 24.28. The amount of additional property
7 taxes levied under this subsection shall not be included in the
8 computation of the maximum amount of property tax dollars which
9 may be certified and levied under section 331.423.

10 Sec. 19. Section 331.424, Code 2011, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **331.424 Authority to levy beyond maximum property tax**
13 **dollars.**

14 1. The board may certify additions to the maximum amount
15 of property tax dollars to be levied for a period of time not
16 to exceed two years if the proposition has been submitted at a
17 special election and received a favorable majority of the votes
18 cast on the proposition.

19 2. The special election is subject to the following:

20 a. The board must give at least thirty-two days' notice to
21 the county commissioner of elections that the special election
22 is to be held. In no case, however, shall a notice be given to
23 the county commissioner of elections after December 31 for an
24 election on a proposition to exceed the statutory limits during
25 the fiscal year beginning in the next calendar year.

26 b. The special election shall be conducted by the county
27 commissioner of elections in accordance with law.

28 c. The proposition to be submitted shall be substantially
29 in the following form:

30 Vote "yes" or "no" on the following: Shall the county of
31 _____ levy for an additional \$ _____ each year for ____ years
32 beginning July 1, _____, in excess of the statutory limits
33 otherwise applicable for the (general county services or rural
34 services) fund?

35 d. The canvass shall be held beginning at 1:00 p.m. on

LSB 5399XL (11) 84

-21-

md/sc

21/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the second day which is not a holiday following the special
2 election.

3 e. Notice of the special election shall be published at
4 least once in a newspaper as specified in section 331.305 prior
5 to the date of the special election. The notice shall appear
6 as early as practicable after the board has voted to submit
7 a proposition to the voters to levy additional property tax
8 dollars.

9 3. Registered voters in the county may vote on the
10 proposition to increase property taxes for the general fund
11 in excess of the statutory limit. Registered voters residing
12 outside the corporate limits of a city within the county may
13 vote on the proposition to increase property taxes for the
14 rural services fund in excess of the statutory limit.

15 4. The amount of additional property tax dollars certified
16 under this section shall not be included in the computation
17 of the maximum amount of property tax dollars which may be
18 certified and levied under section 331.423.

19 Sec. 20. Section 331.424A, subsection 4, Code Supplement
20 2011, is amended to read as follows:

21 4. For the fiscal year beginning July 1, 1996, and for each
22 subsequent fiscal year, the county shall certify a levy for
23 payment of services. For each fiscal year, county revenues
24 from taxes imposed by the county credited to the services fund
25 shall not exceed an amount equal to the amount of base year
26 expenditures for services as defined in section 331.438, less
27 the amount of property tax relief to be received pursuant to
28 section 426B.2, in the fiscal year for which the budget is
29 certified. The county auditor and the board of supervisors
30 shall reduce the amount of the levy certified for the services
31 fund by the amount of property tax relief to be received. A
32 levy certified under this section is not subject to the appeal
33 provisions of section 331.426 or to any other provision in law
34 authorizing a county to exceed, increase, or appeal a property
35 tax levy limit.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Sec. 21. Section 331.427, subsection 3, paragraph 1, Code
2 2011, is amended to read as follows:

3 1. Services listed in section 331.424, subsection 1, Code
4 2011, and section 331.554.

5 Sec. 22. Section 331.428, subsection 2, paragraph d, Code
6 2011, is amended to read as follows:

7 d. Services listed under section 331.424, subsection 2, Code
8 2011.

9 Sec. 23. Section 331.434, subsection 1, Code 2011, is
10 amended to read as follows:

11 1. The budget shall show the amount required for each class
12 of proposed expenditures, a comparison of the amounts proposed
13 to be expended with the amounts expended for like purposes for
14 the two preceding years, the revenues from sources other than
15 property taxation, and the amount to be raised by property
16 taxation, in the detail and form prescribed by the director
17 of the department of management. For each county that has
18 established an urban renewal area, the budget shall include
19 estimated and actual tax increment financing revenues and all
20 estimated and actual expenditures of the revenues, proceeds
21 from debt and all estimated and actual expenditures of the
22 debt proceeds, and identification of any entity receiving a
23 direct payment of taxes funded by tax increment financing
24 revenues and shall include the total amount of loans, advances,
25 indebtedness, or bonds outstanding at the close of the most
26 recently ended fiscal year, which qualify for payment from the
27 special fund created in section 403.19, including interest
28 negotiated on such loans, advances, indebtedness, or bonds.
29 For purposes of this subsection, "indebtedness" includes
30 written agreements whereby the county agrees to suspend, abate,
31 exempt, rebate, refund, or reimburse property taxes, provide
32 a grant for property taxes paid, or make a direct payment
33 of taxes, with moneys in the special fund. The amount of
34 loans, advances, indebtedness, or bonds shall be listed in
35 the aggregate for each county reporting. ~~The county finance~~

LSB 5399XL (11) 84

-23-

md/sc

23/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

~~1 committee, in consultation with the department of management
2 and the legislative services agency, shall determine reporting
3 criteria and shall prepare a form for reports filed with the
4 department pursuant to this section. The department shall make
5 the information available by electronic means.~~

6 Sec. 24. Section 373.10, Code 2011, is amended to read as
7 follows:

8 **373.10 Taxing authority.**

9 The metropolitan council shall have the authority to
10 levy city taxes to the extent the city tax levy authority
11 is transferred by the charter to the metropolitan council.
12 A member city shall transfer a portion of the city's tax
13 levy authorized under section 384.1 or 384.12, whichever is
14 applicable, to the metropolitan council. The maximum ~~rates~~
15 amount of taxes authorized to be levied under sections ~~section~~
16 384.1 and the taxes authorized to be levied under section
17 384.12 by a member city shall be reduced by an amount equal to
18 the rates of the same or similar taxes levied in the city by the
19 metropolitan council.

20 Sec. 25. Section 384.1, Code 2011, is amended by striking
21 the section and inserting in lieu thereof the following:

22 **384.1 Property tax dollars — maximums.**

23 1. A city shall certify taxes to be levied by the city
24 on all taxable property within the city limits, for all city
25 government purposes. Annually, the city council may certify
26 basic levies for city government purposes, subject to the
27 limitation on property tax dollars provided in this section.

28 2. For purposes of this section and section 384.1B, unless
29 the context otherwise requires:

30 *a. "Annual growth factor" means an index, expressed as*
31 *a percentage, determined by the department of management by*
32 *January 1 of the calendar year in which the budget year begins.*
33 *In determining the annual growth factor, the department shall*
34 *calculate the average of the preceding twelve-month percentage*
35 *change, which shall be computed on a monthly basis, in the*

LSB 5399XL (11) 84

md/sc

24/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 midwest consumer price index, ending with the percentage change
2 for the month of November. The department shall then add that
3 average percentage change to one hundred percent. In no case,
4 however, shall the annual growth factor exceed one hundred four
5 percent.

6 *b. "Boundary adjustment"* means annexation, severance,
7 incorporation, or discontinuance as those terms are defined in
8 section 368.1.

9 *c. "Budget year"* is the fiscal year beginning during the
10 calendar year in which a budget is certified.

11 *d. "Current fiscal year"* is the fiscal year ending during
12 the calendar year in which a budget is certified.

13 *e. "Net new valuation taxes"* means the amount of property
14 tax dollars equal to the current fiscal year's levy rate in the
15 city for the general fund multiplied by the increase from the
16 current fiscal year to the budget year in taxable valuation due
17 to the following:

18 (1) Net new construction, excluding all incremental
19 valuation that is released in any one year from either a
20 division of revenue under section 260E.4 or an urban renewal
21 area for which taxes were being divided under section 403.19 if
22 the property for the valuation being released remains subject
23 to the division of revenue under section 260E.4 or remains part
24 of the urban renewal area that is subject to a division of
25 revenue under section 403.19.

26 (2) Additions or improvements to existing structures.

27 (3) Remodeling of existing structures for which a building
28 permit is required.

29 (4) Net boundary adjustment.

30 (5) A municipality no longer dividing tax revenues in an
31 urban renewal area as provided in section 403.19 or a community
32 college no longer dividing revenues as provided in section
33 260E.4.

34 (6) That portion of taxable property located in an urban
35 revitalization area on which an exemption was allowed and such



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 exemption has expired.

2 3. a. For the fiscal year beginning July 1, 2013, and
3 subsequent fiscal years, the maximum amount of property
4 tax dollars which may be certified for levy by a city for
5 the general fund shall be the maximum property tax dollars
6 calculated under paragraph "b".

7 b. The maximum property tax dollars that may be levied for
8 deposit in the general fund is an amount equal to the sum of the
9 following:

10 (1) The annual growth factor times the current fiscal year's
11 maximum property tax dollars for the general fund.

12 (2) The amount of net new valuation taxes in the city.

13 4. For purposes of calculating maximum property tax dollars
14 for the city general fund for the fiscal year beginning July
15 1, 2013, only, the term "*current fiscal year's maximum property*
16 *tax dollars*" shall mean the total amount of property tax dollars
17 certified by the city for the city's general fund for the
18 fiscal year beginning July 1, 2012.

19 5. Property taxes certified for deposit in the debt service
20 fund in section 384.4, trust and agency funds in section
21 384.6, capital improvements reserve fund in section 384.7,
22 the emergency fund in section 384.8, any capital projects
23 fund established by the city for deposit of bond, loan, or
24 note proceeds, any temporary increase approved pursuant to
25 section 384.12A, property taxes collected from a voted levy in
26 section 384.12, and property taxes levied under section 384.12,
27 subsection 18, are not counted against the maximum amount of
28 property tax dollars that may be certified for a fiscal year
29 under subsection 3.

30 6. Notwithstanding the maximum amount of taxes a city
31 may certify for levy, the tax levied by a city on tracts of
32 land and improvements on the tracts of land used and assessed
33 for agricultural or horticultural purposes shall not exceed
34 three dollars and three-eighths cents per thousand dollars
35 of assessed value in any year. Improvements located on such

LSB 5399XL (11) 84

-26-

md/sc

26/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 tracts of land and not used for agricultural or horticultural
2 purposes and all residential dwellings are subject to the same
3 rate of tax levied by the city on all other taxable property
4 within the city.

5 7. The department of management, in consultation with the
6 city finance committee, shall adopt rules to administer this
7 section. The department shall prescribe forms to be used by
8 cities when making calculations required by this section.

9 Sec. 26. NEW SECTION. 384.1B Ending fund balance.

10 1. a. Budgeted ending fund balances for a budget year in
11 excess of twenty-five percent of budgeted expenditures from the
12 general fund for that budget year shall be explicitly reserved
13 or designated for a specific purpose.

14 b. A city is encouraged, but not required, to reduce
15 budgeted, unreserved, or undesignated ending fund balances for
16 the budget year to an amount equal to approximately twenty-five
17 percent of budgeted expenditures and transfers from the general
18 fund for that budget year unless a decision is certified by
19 the state appeal board ordering a reduction in the ending fund
20 balance of the fund.

21 c. In a protest to the city budget under section 384.19,
22 the city shall have the burden of proving that the budgeted
23 balances in excess of twenty-five percent are reasonably likely
24 to be appropriated for the explicitly reserved or designated
25 specific purpose. The excess budgeted balance for the specific
26 purpose shall be considered an increase in an item in the
27 budget for purposes of section 24.28.

28 2. a. For a city that has, as of June 30, 2012, reduced its
29 ending fund balance to less than twenty-five percent of actual
30 expenditures, additional property taxes may be computed and
31 levied as provided in this subsection. The additional property
32 tax levy amount is an amount not to exceed the difference
33 between twenty-five percent of actual expenditures for city
34 government purposes for the fiscal year beginning July 1, 2011,
35 minus the ending fund balance for that year.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 **b.** All or a portion of additional property tax dollars
2 may be levied for the purpose of increasing cash reserves for
3 city government purposes in the budget year. The additional
4 property tax dollars authorized under this subsection but not
5 levied may be carried forward as unused ending fund balance
6 taxing authority until and for the fiscal year beginning
7 July 1, 2018. The amount carried forward shall not exceed
8 twenty-five percent of the maximum amount of property tax
9 dollars available in the current fiscal year. Additionally,
10 property taxes that are levied as unused ending fund balance
11 taxing authority under this subsection may be the subject of a
12 protest under section 384.19, and the amount will be considered
13 an increase in an item in the budget for purposes of section
14 24.28. The amount of additional property tax dollars levied
15 under this subsection shall not be included in the computation
16 of the maximum amount of property tax dollars which may be
17 certified and levied under section 384.1.

18 Sec. 27. Section 384.12, subsection 20, Code 2011, is
19 amended by striking the subsection.

20 Sec. 28. NEW SECTION. **384.12A Authority to levy beyond**
21 **maximum property tax dollars.**

22 1. The city council may certify additions to the maximum
23 amount of property tax dollars to be levied for a period of
24 time not to exceed two years if the proposition has been
25 submitted at a special election and received a favorable
26 majority of the votes cast on the proposition.

27 2. The special election is subject to the following:

28 **a.** The city council must give at least thirty-two days'
29 notice to the county commissioner of elections that the special
30 election is to be held. In no case, however, shall a notice be
31 given to the county commissioner of elections after December 31
32 for an election on a proposition to exceed the statutory limits
33 during the fiscal year beginning in the next calendar year.

34 **b.** The special election shall be conducted by the county
35 commissioner of elections in accordance with law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 *c.* The proposition to be submitted shall be substantially
2 in the following form:
3 Vote "yes" or "no" on the following: Shall the city of
4 _____ levy for an additional \$_____ each year for ____ years
5 beginning next July 1, ____, in excess of the statutory limits
6 otherwise applicable for the city general fund?

7 *d.* The canvass shall be held beginning at 1:00 p.m. on
8 the second day which is not a holiday following the special
9 election.

10 *e.* Notice of the special election shall be published at
11 least once in a newspaper as specified in section 362.3 prior
12 to the date of the special election. The notice shall appear
13 as early as practicable after the city council has voted to
14 submit a proposition to the voters to levy additional property
15 tax dollars.

16 3. The amount of additional property tax dollars certified
17 under this section shall not be included in the computation
18 of the maximum amount of property tax dollars which may be
19 certified and levied under section 384.1.

20 Sec. 29. Section 384.16, subsection 1, paragraph b, Code
21 2011, is amended to read as follows:

22 *b.* A budget must show comparisons between the estimated
23 expenditures in each program in the following year, the latest
24 estimated expenditures in each program in the current year,
25 and the actual expenditures in each program from the annual
26 report as provided in section 384.22, or as corrected by a
27 subsequent audit report. Wherever practicable, as provided in
28 rules of the committee, a budget must show comparisons between
29 the levels of service provided by each program as estimated for
30 the following year, and actual levels of service provided by
31 each program during the two preceding years. For each city
32 that has established an urban renewal area, the budget shall
33 include estimated and actual tax increment financing revenues
34 and all estimated and actual expenditures of the revenues,
35 proceeds from debt and all estimated and actual expenditures of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the debt proceeds, and identification of any entity receiving
2 a direct payment of taxes funded by tax increment financing
3 revenues and shall include the total amount of loans, advances,
4 indebtedness, or bonds outstanding at the close of the most
5 recently ended fiscal year, which qualify for payment from the
6 special fund created in section 403.19, including interest
7 negotiated on such loans, advances, indebtedness, or bonds.
8 The amount of loans, advances, indebtedness, or bonds shall
9 be listed in the aggregate for each city reporting. ~~The city~~
10 ~~finance committee, in consultation with the department of~~
11 ~~management and the legislative services agency, shall determine~~
12 ~~reporting criteria and shall prepare a form for reports filed~~
13 ~~with the department pursuant to this section. The department~~
14 ~~shall make the information available by electronic means.~~

15 Sec. 30. Section 384.19, Code 2011, is amended by adding the
16 following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. For purposes of a tax protest
18 filed under this section, "item" means a budgeted expenditure,
19 appropriation, or cash reserve from a fund for a service area,
20 program, program element, or purpose.

21 Sec. 31. Section 386.8, Code 2011, is amended to read as
22 follows:

23 **386.8 Operation tax.**

24 A city may establish a self-supported improvement district
25 operation fund, and may certify taxes not to exceed the
26 rate limitation as established in the ordinance creating the
27 district, or any amendment thereto, each year to be levied
28 for the fund against all of the property in the district,
29 for the purpose of paying the administrative expenses of
30 the district, which may include but are not limited to
31 administrative personnel salaries, a separate administrative
32 office, planning costs including consultation fees, engineering
33 fees, architectural fees, and legal fees and all other expenses
34 reasonably associated with the administration of the district
35 and the fulfilling of the purposes of the district. The taxes

LSB 5399XL (11) 84

md/sc

30/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 levied for this fund may also be used for the purpose of paying
2 maintenance expenses of improvements or self-liquidating
3 improvements for a specified length of time with one or more
4 options to renew if such is clearly stated in the petition
5 which requests the council to authorize construction of the
6 improvement or self-liquidating improvement, whether or not
7 such petition is combined with the petition requesting creation
8 of a district. Parcels of property which are assessed as
9 residential property for property tax purposes are exempt from
10 the tax levied under this section except residential properties
11 within a duly designated historic district. A tax levied under
12 this section is not subject to the ~~levy~~ limitation in section
13 384.1.

14 Sec. 32. Section 386.9, Code 2011, is amended to read as
15 follows:

16 **386.9 Capital improvement tax.**

17 A city may establish a capital improvement fund for a
18 district and may certify taxes, not to exceed the rate
19 established by the ordinance creating the district, or any
20 subsequent amendment thereto, each year to be levied for
21 the fund against all of the property in the district, for
22 the purpose of accumulating moneys for the financing or
23 payment of a part or all of the costs of any improvement or
24 self-liquidating improvement. However, parcels of property
25 which are assessed as residential property for property tax
26 purposes are exempt from the tax levied under this section
27 except residential properties within a duly designated historic
28 district. A tax levied under this section is not subject to
29 the ~~levy~~ limitations in section 384.1 or 384.7.

30 Sec. 33. REPEAL. Sections 331.425 and 331.426, Code 2011,
31 are repealed.

32 Sec. 34. APPLICABILITY. This division of this Act applies
33 to fiscal years beginning on or after July 1, 2013.

34 **EXPLANATION**

35 This bill relates to property taxation and local government

LSB 5399XL (11) 84

-31-

md/sc

31/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 budgets by establishing and modifying property assessment
2 limitations, providing for certain property tax replacement
3 payments, establishing budget limitations for counties and
4 cities, eliminating certain reporting requirements, and making
5 appropriations.

6 Division I of the bill changes the property tax assessment
7 limitation percentage for residential property and agricultural
8 property from 4 percent to 2 percent for assessment years
9 beginning on or after January 1, 2013. The bill also provides,
10 however, that for valuations established on or after January
11 1, 2013, the percentage of actual value at which agricultural
12 and residential property are assessed, as calculated in the
13 bill, may not increase or decrease more than two percentage
14 points from the percentage of actual value for the same class
15 of property in the previous assessment year.

16 Division I of the bill strikes the methodology in Code
17 section 441.21(5) currently used to determine the percentage
18 of actual value at which commercial property and industrial
19 property are assessed for property tax purposes. The bill
20 provides that for valuations established for the assessment
21 year beginning January 1, 2013, the percentage of actual value
22 at which commercial and industrial property are assessed is
23 95 percent. For the assessment year beginning January 1,
24 2014, the percentage of actual value at which commercial and
25 industrial property are assessed is 90 percent. For the
26 assessment year beginning January 1, 2015, the percentage of
27 actual value at which commercial and industrial property are
28 assessed is 85 percent. For assessment years beginning on
29 or after January 1, 2016, the percentage of actual value at
30 which commercial and industrial property shall be assessed
31 is the percentage of actual value that those classes of
32 property were assessed in the previous assessment year, unless
33 a specified amount of statewide commercial and industrial
34 property valuation growth is achieved and the applicable
35 state appropriation to the commercial and industrial property



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 tax replacement fund under new Code section 441.21A is
2 not otherwise reduced by law. If such statewide valuation
3 growth and state appropriation conditions are satisfied, the
4 percentage of actual value at which commercial and industrial
5 property are assessed shall be the percentage of actual value
6 that those classes were assessed in the previous assessment
7 year minus five percentage points. The bill provides, however,
8 that in no assessment year shall the percentage of actual value
9 for either class of property be less than 60 percent.

10 Division I provides that for valuations established on or
11 after January 1, 2013, property valued by the department of
12 revenue pursuant to Code chapter 434 (railway property) is
13 assessed at a percentage of its actual value equal to the
14 percentage of actual value at which commercial property is
15 assessed for the same assessment year.

16 Division I creates a commercial and industrial property
17 tax replacement fund in new Code section 441.21A under the
18 control of the department of revenue. For the fiscal year
19 beginning July 1, 2014, the bill appropriates \$50 million from
20 the general fund of the state to the department of revenue
21 to be credited to the fund. For fiscal years beginning on
22 or after July 1, 2015, the amount of the appropriation to
23 the fund is equal to the amount of the appropriation to the
24 fund, as calculated in the bill, for the previous fiscal year,
25 unless the total statewide actual value of all commercial and
26 industrial property for the budget assessment year, as defined
27 in the bill, exceeds 104 percent of the total statewide actual
28 value of all commercial and industrial property in the base
29 assessment year, as defined in the bill. If such an increase
30 in the statewide actual value of commercial and industrial
31 property occurs, the amount of the appropriation to the fund
32 is instead an amount equal to the sum of the amount of the
33 appropriation to the fund, as calculated in the bill, for the
34 previous fiscal year plus an additional amount specified in
35 the bill, which is determined by the amount of the required

LSB 5399XL (11) 84

-33-

md/sc

33/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 appropriation for the previous fiscal year.

2 Division I provides that beginning with the fiscal year
3 starting July 1, 2014, moneys appropriated to the commercial
4 and industrial property tax replacement fund are for the
5 payment of commercial and industrial property tax replacement
6 claims. If an amount appropriated for a fiscal year is
7 insufficient to pay all replacement claims, the director of
8 revenue prorates the disbursements from the fund. Any unspent
9 balance as of June 30 of each year shall revert to the general
10 fund of the state as provided in Code section 8.33.

11 Division I requires the assessor to determine, on or before
12 July 1 of each fiscal year beginning on or after July 1, 2014,
13 the total assessed value of all commercial and industrial
14 property for taxes due and payable in that fiscal year and the
15 total assessed value of all commercial and industrial property
16 assessed as of January 1, 2012, and to report those valuations
17 to the county auditor. On or before September 1, the county
18 auditor prepares a statement, based upon the report listing
19 for each taxing district in the county the assessed values
20 of commercial and industrial property located in the taxing
21 district for specified assessment years, the tax levy rate
22 for each taxing district, and the commercial and industrial
23 property tax replacement claim for each taxing district. The
24 replacement claim is equal to the difference between the
25 assessed valuation of all commercial and industrial property
26 located in the taxing district and assessed for that assessment
27 year and the total assessed value of all commercial and
28 industrial property located in the taxing district and assessed
29 as of January 1, 2012, multiplied by the tax rate specified for
30 the taxing district. If the January 1, 2012, assessment amount
31 is less, there is no replacement claim for the taxing district
32 for that year.

33 Replacement claims are paid to each county treasurer in
34 equal installments in September and March of each year. The
35 county treasurer apportions the replacement claim payments

LSB 5399XL (11) 84

md/sc

34/37



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 among the eligible taxing districts in the county.

2 Division I defines a tax increment financing district in
3 an urban renewal area as a taxing district for purposes of
4 allocation of replacement moneys and provides for the method of
5 allocation in those districts.

6 Division I, pursuant to Code section 4.13, does not affect
7 the application of prior provisions of Code section 441.21 to
8 assessment years beginning before January 1, 2013.

9 Division I of the bill applies to assessment years beginning
10 on or after January 1, 2013.

11 Division II of the bill removes the property tax levy rate
12 limitations on the general and rural funds for counties and on
13 the general fund for cities and substitutes a limitation on the
14 maximum amount of property tax dollars that may be certified
15 for expenditure by a county or city for fiscal years beginning
16 on or after July 1, 2013. For the fiscal year beginning July
17 1, 2013, and subsequent fiscal years, the maximum amount of
18 property tax dollars which may be certified for levy shall be
19 an amount equal to the sum of the current fiscal year's total
20 property tax dollars certified by the county multiplied by the
21 annual growth factor, as defined in the bill, and the amount of
22 net new valuation taxes, as defined in the bill.

23 Division II also allows counties and cities to certify
24 additions to the maximum amount of property tax dollars to be
25 levied for a period of time not to exceed two years if the
26 proposition has been approved at a special election. The bill
27 specifies the notice and election requirements for such a
28 proposition. The bill specifies that such amounts approved at
29 special election are not to be included in the computation of
30 the maximum amount of property tax dollars for future budget
31 years.

32 Division II of the bill specifies certain requirements
33 for ending fund balances for counties and cities. The bill
34 provides that budgeted ending fund balances in certain
35 specified funds for a budget year in excess of 25 percent



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of budgeted expenditures shall be explicitly reserved or
2 designated for a specific purpose.

3 Under the bill, counties and cities are encouraged, but
4 not required, to reduce budgeted, unreserved, or undesignated
5 ending fund balances for the budget year to an amount equal to
6 approximately 25 percent of budgeted expenditures and certain
7 transfers for that budget year unless a decision is certified
8 by the state appeal board ordering a reduction in the ending
9 fund balance of any of those funds. The county or city,
10 as applicable, has the burden of proving that the budgeted
11 balances in excess of 25 percent are reasonably likely to be
12 appropriated for the explicitly reserved or designated specific
13 purpose.

14 Division II of the bill also allows for additional property
15 taxes to be levied in certain fiscal years for those counties
16 or cities that have, as of June 30, 2012, reduced their
17 actual ending fund balance to less than 25 percent of actual
18 expenditures. Such additional property tax dollars authorized
19 but not levied may be carried forward as unused ending
20 fund balance taxing authority until and for the fiscal year
21 beginning July 1, 2018. However, the amount carried forward
22 shall not exceed 25 percent of the maximum amount of property
23 tax dollars available in the current fiscal year. The amount
24 of such additional property taxes levied shall not, however, be
25 included in the computation of the maximum amount of property
26 tax dollars which may be certified and levied in future budget
27 years.

28 Division II also makes conforming amendments to other
29 provisions of the Code.

30 Division II strikes language relating to the duties of the
31 county finance committee and the city finance committee to
32 determine criteria for reporting of certain indebtedness and
33 strikes language requiring the department of management to make
34 such information available by electronic means.

35 Division II applies to fiscal years beginning on or after



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

Senate File 2017 - Introduced

SENATE FILE 2017
BY DVORSKY

(COMPANION TO LSB 5011HH BY
WILLEMS)

A BILL FOR

1 An Act allowing the use of a leashed dog to retrieve a wounded
2 deer and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5011SS (1) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. 2017

1 Section 1. NEW SECTION. 481A.56A Retrieval of wounded deer
2 by leashed dogs.

3 A person having a valid hunting license and a valid deer
4 hunting license who has wounded a deer while hunting may use
5 a dog to locate and retrieve the wounded animal. The hunter
6 or any person in the company of the hunter shall not possess
7 a firearm or bow while using a dog in this manner and shall
8 have the dog leashed and under control at all times during
9 the search. A person shall obtain permission from the owner
10 or tenant of private property before using a dog to locate a
11 wounded deer on the private property. The commission shall
12 adopt rules pursuant to chapter 17A to implement this section.

13 Sec. 2. Section 805.8B, subsection 3, paragraph c, Code
14 2011, is amended to read as follows:

15 c. For violations of sections 481A.6, 481A.21, 481A.22,
16 481A.26, 481A.50, 481A.56, 481A.56A, 481A.60 through 481A.62,
17 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3,
18 sections 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the
19 scheduled fine is twenty-five dollars.

20 EXPLANATION

21 This bill creates new Code section 481A.56A to allow a
22 hunter with a valid hunting license and deer hunting license
23 who wounds a deer while hunting to use a dog to locate and
24 retrieve the wounded animal. The hunter or any person in the
25 company of the hunter shall not possess a firearm or bow while
26 using a dog in this manner and shall have the dog leashed and
27 under control at all times during the search. A person must
28 obtain permission from the owner or tenant before using a dog
29 to locate a wounded deer on private property. The natural
30 resource commission shall adopt rules pursuant to Code chapter
31 17A to implement this provision.

32 A violation of the new provision is punishable by a scheduled
33 fine of \$25.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

Senate File 2018 - Introduced

SENATE FILE 2018
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3008)

A BILL FOR

1 An Act relating to financial assistance for purposes of the
2 battleship Iowa, BB-61, making appropriations, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5568SV (3) 84
tm/jp



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. 2018

1 Section 1. 2011 Iowa Acts, chapter 131, section 82,
2 subsection 2, is amended to read as follows:
3 2. ~~If the department of the navy, pursuant to a process~~
4 ~~outlined in a notice published in the federal register on~~
5 ~~May 24, 2010, volume 75, number 99, awards possession or~~
6 ~~conditionally awards possession of the battleship Iowa,~~
7 ~~BB-61, to a nonprofit group that is eligible to receive the~~
8 ~~battleship, the department of cultural affairs shall award~~
9 ~~a grant to the nonprofit group in an amount equal to \$3~~
10 ~~million in addition to any moneys awarded as a grant from the~~
11 ~~BB-61 fund. Moneys in the BB-61 fund are appropriated to~~
12 the department of cultural affairs to be used in accordance
13 with this section. Subject only to the requirements in this
14 subsection, the department of cultural affairs shall award
15 a grant to a nonprofit entity that is awarded possession or
16 conditional possession of the battleship Iowa, BB-61, an
17 amount equal to \$3,000,000 plus any moneys held in the BB-61
18 fund created in 2010 Iowa Acts, chapter 1194. The grant
19 moneys shall be expended for the limited purposes of hull and
20 superstructure preparation and painting, ship repairs and
21 improvements, transportation and towing of ship, pier, and dock
22 preparation and improvements, and museum development for the
23 purposes of receiving and berthing the battleship Iowa, BB-61.
24 The grant shall be awarded and the moneys shall be remitted to
25 the nonprofit not less than 30 days after the effective date
26 of this 2012 Act. The grant recipient shall file two periodic
27 reports with both the department of cultural affairs and the
28 state auditor itemizing how the moneys have been expended. The
29 first report shall be filed when 50 percent of the moneys have
30 been expended, and the second report shall be filed when 100
31 percent of the moneys have been expended.
32 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
33 immediate importance, takes effect upon enactment.
34 EXPLANATION
35 This bill relates to financial assistance for purposes of

LSB 5568SV (3) 84
tm/jp

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. 2018

1 the battleship Iowa, BB-61.

2 For the fiscal year 2010-2011, the department of cultural
3 affairs received a \$3 million appropriation for purposes
4 of awarding a grant to a nonprofit group that is awarded
5 possession of the battleship Iowa, BB-61, by the department
6 of the navy. In addition, in 2010 Iowa Acts, chapter 1194, a
7 BB-61 fund was created under the control of the department for
8 purposes of supporting the battleship Iowa committee and for
9 the preservation and relocation of the battleship Iowa, BB-61.

10 The bill amends the purpose of the fiscal year 2010-2011
11 appropriation by providing that the department shall award
12 a grant to a nonprofit group that is awarded possession or
13 conditional possession of the battleship Iowa, BB-61, in an
14 amount equal to \$3 million plus any moneys in the BB-61 fund.
15 The bill provides specific preservation and relocation purposes
16 for which the awarded moneys shall be used. The bill includes
17 reporting requirements.

18 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

Senate Study Bill 3009 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to programs and activities under the purview of
2 the department of education, the state board of education,
3 the board of educational examiners, school districts,
4 and accredited nonpublic schools; and providing for the
5 retention of certain fees and for the use of certain funds.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5398XL (18) 84
kh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 DIVISION I
2 COMPETENCY-BASED INSTRUCTION
3 Section 1. Section 256.7, subsection 26, paragraph a,
4 Code Supplement 2011, is amended by adding the following new
5 subparagraph:
6 NEW SUBPARAGRAPH. (02) The rules shall allow a school
7 district or accredited nonpublic school to award high school
8 credit to a student upon the demonstration of required
9 competencies for a course or content area, as approved by
10 an appropriately licensed teacher. The school district or
11 accredited nonpublic school shall determine the assessment
12 methods by which a student demonstrates sufficient evidence of
13 the required competencies.
14 Sec. 2. Section 256.11, subsection 5, unnumbered paragraph
15 1, Code 2011, is amended to read as follows:
16 ~~In grades nine through twelve, a unit of credit consists~~
17 ~~of a course or equivalent related components or partial units~~
18 ~~taught throughout the academic year.~~ The minimum program to be
19 offered and taught for grades nine through twelve is:
20 Sec. 3. Section 256.11, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 5A. a. As used in subsection 5, "unit"
23 means a course which meets one of the following criteria:
24 (1) The course is taught for at least two hundred minutes
25 per week for thirty-six weeks.
26 (2) The course is taught for the equivalent of one hundred
27 twenty hours of instruction.
28 b. A student shall receive a unit of credit or a partial
29 unit of credit upon successful completion of a course
30 which meets one of the criteria in paragraph "a" or related
31 components equivalent to a course which meets one of the
32 criteria in paragraph "a". A partial unit of credit shall be
33 calculated in a manner consistent with this subsection. A
34 student may receive credit on a performance basis through the
35 administration of an assessment, provided the assessment covers



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the competencies ordinarily included in the regular course.

2 DIVISION II

3 CORE CURRICULUM FRAMEWORK AND CORE CONTENT STANDARDS

4 Sec. 4. Section 256.7, subsection 26, paragraph a, Code
5 Supplement 2011, is amended to read as follows:

6 a. Adopt rules that establish a core curriculum and high
7 school graduation requirements for all students in school
8 districts and accredited nonpublic schools that include at a
9 minimum satisfactory completion of four years of English and
10 language arts, three years of mathematics, three years of
11 science, and three years of social studies.

12 (1) The rules establishing high school graduation
13 requirements shall authorize a school district or
14 accredited nonpublic school to consider that any student who
15 satisfactorily completes a high school-level unit of ~~English~~
16 ~~or language arts, mathematics, science, or social studies~~ has
17 satisfactorily completed a unit of the high school graduation
18 requirements for that area as specified in this ~~lettered~~
19 paragraph "a", and shall authorize the school district or
20 accredited nonpublic school to issue high school credit for the
21 unit to the student.

22 (2) The rules establishing a core curriculum shall address
23 the core content standards in subsection 28 and the skills and
24 knowledge students need to be successful in the twenty-first
25 century. ~~The core curriculum shall include, including but not~~
26 limited to English and language arts, mathematics, science,
27 social studies and twenty-first century learning skills which
28 include but are not limited to, music and other fine arts,
29 applied arts, foreign languages, physical education, character
30 education, entrepreneurship education, civic literacy,
31 health literacy, technology literacy, financial literacy, and
32 employability skills; and shall address the curricular needs of
33 students in kindergarten through grade twelve in those areas.
34 The department shall further define the twenty-first century
35 learning skills components by rule.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Sec. 5. Section 256.9, Code Supplement 2011, is amended by
2 adding the following new subsections:
3 NEW SUBSECTION. 62. Appoint members to the core curriculum
4 framework and core content standards advisory council
5 established in section 256.41. The director may establish
6 objectives for the council in accordance with section 256.41.
7 NEW SUBSECTION. 63. *a.* Create and disseminate to school
8 districts, charter schools, and accredited nonpublic schools
9 a model curriculum that is directly tied to the goals,
10 outcomes, and assessment strategies identified in the core
11 content standards. The model curriculum shall identify a
12 developmentally appropriate scope and sequence of instruction
13 applicable to the core content standards, instructional
14 material resources, and teaching and assessment strategies.
15 The model curriculum shall provide guidance to school districts
16 and schools and expand on the core content standards. The
17 model curriculum shall be modified as necessary to incorporate
18 the core curriculum framework developed pursuant to paragraph
19 "b".
20 *b.* Develop by July 1, 2015, a core curriculum framework
21 aligned to the core curriculum standards established pursuant
22 to section 256.7, subsection 26.
23 Sec. 6. NEW SECTION. 256.41 Core curriculum framework and
24 core content standards advisory council.
25 1. A core curriculum framework and core content standards
26 advisory council is established under the department.
27 2. The advisory council shall consist of no less than seven
28 members appointed by the director in accordance with sections
29 69.16, 69.16A, and 69.16C. Members shall serve at the pleasure
30 of the director.
31 3. The department is the primary agency responsible for
32 providing administrative personnel and services for the
33 advisory council.
34 4. Members shall elect a chair annually and other officers
35 as the members determine. Members shall establish rules of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 procedure for the advisory council.

2 5. The advisory council shall meet at least quarterly and at
3 the call of the chair.

4 6. Members of the advisory council shall serve without
5 compensation but may be reimbursed for actual expenses incurred
6 in the performance of their duties.

7 7. The advisory council shall review the core curriculum,
8 the core content standards, and the model curriculum adopted
9 pursuant to section 256.7, subsections 26, 28, and 63 upon
10 request of the director and make recommendations to the
11 director regarding a core curriculum framework and any
12 necessary changes to the core curriculum content standards and
13 model curriculum. In making recommendations, the advisory
14 council shall seek to further the goals of the core content
15 standards and any objectives established by the director.

16 DIVISION III

17 PARENT ADVOCACY NETWORK

18 Sec. 7. Section 256.9, Code Supplement 2011, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 66. Establish a statewide parent
21 advocacy network to create an integrated, accessible set of
22 community-wide resources to support learning and development
23 by July 1, 2013. The statewide parent advocacy network shall
24 include at least one parent representative from each school
25 district in the state. The director shall coordinate with the
26 board of directors of each public school district to facilitate
27 the establishment and maintenance of the statewide parent
28 advocacy network.

29 Sec. 8. NEW SECTION. 279.68 Statewide parent advocacy
30 network.

31 The board of directors of each public school district shall
32 coordinate with the director of the department of education to
33 facilitate the establishment and maintenance of a statewide
34 parent advocacy network pursuant to section 256.9, subsection
35 66. The board of directors of each public school district



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 shall assist the director of the department of education in
2 identifying at least one representative from each school
3 district in the state to serve on the statewide parent advocacy
4 network.

5 DIVISION IV

6 TEACHER AND ADMINISTRATOR PERFORMANCE

7 Sec. 9. Section 256.7, Code Supplement 2011, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 31. *a.* By January 1, 2013, adopt rules
10 establishing Iowa teaching and administration standards
11 that are aligned with best practices and nationally accepted
12 standards.

13 *b.* By July 1, 2013, adopt by rule statewide teacher
14 evaluation system and statewide administrator evaluation system
15 pilot programs which shall be implemented during the 2013-2014
16 school year. This paragraph is repealed July 1, 2015.

17 Sec. 10. Section 256.9, Code Supplement 2011, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 64. *a.* Develop a statewide teacher
20 evaluation system and a statewide administrator evaluation
21 system that school districts, charter schools, and accredited
22 nonpublic schools shall use to standardize the instruments
23 and processes used to evaluate teachers and administrators
24 throughout the state.

25 *b.* The components of the statewide teacher evaluation system
26 shall include but not be limited to the following:

- 27 (1) Direct observation of classroom teaching behaviors.
28 (2) Strong consideration of student outcome measures, when
29 available for tested subjects and grades, to validate direct
30 observation of classroom teaching behaviors.
31 (3) Integration of the Iowa teaching standards.
32 (4) System applicability to teachers in all content areas
33 taught in a school.

34 Sec. 11. Section 284.3, Code 2011, is amended by adding the
35 following new subsection:

LSB 5398XL (18) 84

-5-

kh/rj

5/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 NEW SUBSECTION. 4. This section is repealed July 1, 2013.

2 Sec. 12. Section 284.4, subsection 1, paragraph e, Code
3 2011, is amended to read as follows:

4 e. (1) Adopt a teacher evaluation plan that, at minimum,
5 requires ~~a~~ an annual performance review of teachers in the
6 district ~~at least once every three years~~ based upon the Iowa
7 teaching standards and individual professional development
8 plans in accordance with section 284.8, and requires
9 administrators to complete evaluator training in accordance
10 with section 284.10.

11 (2) Adopt, by July 1, 2014, the statewide teacher evaluation
12 system developed pursuant to section 256.9, subsection 64.
13 However, the school district may develop and submit to the
14 department for approval an alternative teacher evaluation
15 system that meets local and state educational goals. In lieu
16 of the statewide teacher evaluation system, the school district
17 may adopt and implement the alternative teacher evaluation
18 system upon receiving approval from the department.

19 Sec. 13. Section 284.8, subsections 1 and 2, Code 2011, are
20 amended to read as follows:

21 1. A school district shall provide for an annual
22 review a of each teacher's performance ~~at least once every~~
23 ~~three years~~ for purposes of assisting teachers in making
24 continuous improvement, documenting continued competence in
25 the Iowa teaching standards, identifying teachers in need of
26 improvement, or to determine whether the teacher's practice
27 meets school district expectations for career advancement in
28 accordance with section 284.7. The review shall be conducted
29 by at least one evaluator certified in accordance with section
30 284.10, and shall include, at minimum, classroom observation
31 of the teacher, the teacher's progress, and implementation of
32 the teacher's individual professional development plan, subject
33 to the level of resources provided to implement the plan; and
34 shall include supporting documentation from parents, students,
35 and other teachers.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 2. If, as a result of a review conducted pursuant to
2 subsection 1, a supervisor or an evaluator determines, ~~at any~~
3 ~~time, as a result of a teacher's performance~~ that the a teacher
4 is not meeting district expectations under the Iowa teaching
5 standards specified in section 284.3, subsection 1, paragraphs
6 "a" through "h" established by the state board by rule, the
7 criteria for the Iowa teaching standards developed by the
8 department in accordance with section 256.9, subsection 46, and
9 any other standards or criteria established in the collective
10 bargaining agreement, the evaluator shall, at the direction of
11 the teacher's supervisor, recommend to the district that the
12 teacher participate in an intensive assistance program. The
13 intensive assistance program and its implementation are subject
14 to negotiation and grievance procedures established pursuant to
15 chapter 20. All school districts shall be prepared to offer an
16 intensive assistance program.

17 Sec. 14. Section 284A.7, Code 2011, is amended to read as
18 follows:

19 **284A.7 Evaluation requirements for administrators.**

20 1. A school district shall conduct an annual evaluation
21 of an administrator who holds a professional administrator
22 license issued under ~~chapter 272 at least once every three~~
23 years chapter 256 for purposes of assisting the administrator
24 in making continuous improvement, documenting continued
25 competence in the Iowa standards for school administrators
26 adopted pursuant to section 256.7, subsection 27, or to
27 determine whether the administrator's practice meets school
28 district expectations. The review shall include, at a minimum,
29 an assessment of the administrator's competence in meeting
30 the Iowa standards for school administrators and the goals of
31 the administrator's individual professional development plan,
32 including supporting documentation or artifacts aligned to the
33 Iowa standards for school administrators and the individual
34 administrator's professional development plan.

35 2. Adopt the statewide administrator evaluation system



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 developed pursuant to section 256.9, subsection 64. However,
2 the school district may develop and submit to the department
3 for approval an alternative administrator evaluation system
4 that meets local and state educational goals. In lieu of
5 the statewide administrator evaluation system, the school
6 district may adopt and implement the alternative administrator
7 evaluation system upon receiving approval from the department.

8 Sec. 15. STATEWIDE EDUCATOR EVALUATION SYSTEM TASK
9 FORCE. The director of the department of education shall
10 appoint, and provide staffing services for, a task force to
11 conduct a study regarding a statewide teacher evaluation
12 system and a statewide administrator evaluation system. The
13 study of a statewide teacher evaluation system shall include a
14 review of student outcome measures described in section 256.9,
15 subsection 64, paragraph "b", subparagraph (2). To the extent
16 possible, appointments shall be made to provide geographical
17 area representation and to comply with sections 69.16, 69.16A,
18 and 69.16C. The task force, at a minimum, shall include in its
19 recommendations and proposal a tiered evaluation system that
20 differentiates ineffective, minimally effective, effective, and
21 highly effective performance by teachers and administrators.
22 The task force shall submit its findings, recommendations, and
23 a proposal for each system to the state board of education by
24 October 15, 2012.

25 Sec. 16. TEACHER PERFORMANCE, COMPENSATION, AND CAREER
26 DEVELOPMENT TASK FORCE.

27 1. The director of the department of education shall
28 appoint, and provide staffing services for, a teacher
29 performance, compensation, and career development task force
30 to develop recommendations for a new teacher compensation
31 system to replace the current teacher compensation system which
32 addresses, at a minimum, the following:

33 a. The duties and responsibilities of apprentice, career,
34 mentor, and master teachers.

35 b. Utilizing retired teachers as mentors.

LSB 5398XL (18) 84

-8-

kh/rj

8/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 c. Strategic and meaningful uses of finite resources and the
2 realignment of resources currently available.

3 d. Mechanisms to substantially increase the average salary
4 of teachers who assume leadership roles within the profession.

5 e. Standardizing implementation of task force
6 recommendations in all of Iowa's school districts and public
7 charter schools.

8 2. The director of the department of education shall appoint
9 and provide staffing services for a task force whose members
10 shall represent teachers, parents, school administrators,
11 and business and community leaders. Insofar as practicable,
12 appointments shall be made to provide geographical area
13 representation and to comply with sections 69.16, 69.16A, and
14 69.16C.

15 3. The state board of education shall consider the findings
16 and recommendations of the task force when adopting rules
17 establishing Iowa teaching standards pursuant to this Act.

18 4. The task force shall submit its findings and
19 recommendations in a report to the state board of education,
20 the governor, and the general assembly by October 15, 2012.

21 Sec. 17. REPEAL. Section 284.14A, Code 2011, is repealed.

22 Sec. 18. EFFECTIVE UPON ENACTMENT. The sections of
23 this division of this Act providing for the appointment of
24 the statewide educator evaluation system task force and the
25 appointment of the teacher performance, compensation, and
26 career development task force, being deemed of immediate
27 importance, take effect upon enactment.

28 DIVISION V

29 INNOVATION ACCELERATION PROGRAM — FUND

30 Sec. 19. NEW SECTION. 256.65 Innovation acceleration
31 program — fund.

32 1. An innovation acceleration program is established
33 in the department to be administered by the department to
34 provide competitive grants to applicants with a record of
35 improving student achievement and educational attainment in



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 order to expand the implementation of, and investment in,
2 innovative practices that are demonstrated to have an impact
3 on improving student achievement or student growth, closing
4 achievement gaps, decreasing dropout rates, increasing parental
5 involvement, increasing attendance rates, increasing high
6 school graduation rates, or increasing college and career
7 program enrollment and completion rates. The state board shall
8 adopt rules relating to applicant eligibility, application
9 procedures, and awarding of grants.

10 2. The program shall be designed to enable grantees to
11 accomplish all of the following:

12 a. Expand and develop innovative practices that can serve as
13 models of best practices.

14 b. Work in partnership with the private sector,
15 community-based organizations, and the philanthropic community.

16 c. Identify and document best practices that can be shared
17 and expanded based on demonstrated success.

18 3. An innovation acceleration fund is created in the state
19 treasury under the control of the department. The fund shall
20 be administered by the director and shall consist of all moneys
21 deposited in the fund, including any moneys appropriated by the
22 general assembly and any other moneys available to and obtained
23 or accepted by the department from local, state, federal, or
24 private sources for purposes of the innovation acceleration
25 program. Notwithstanding section 8.33, moneys in the fund at
26 the end of a fiscal year shall not revert to the general fund
27 of the state. Notwithstanding section 12C.7, subsection 2,
28 interest or earnings on moneys in the fund shall be credited
29 to the fund.

30 DIVISION VI

31 ONLINE LEARNING

32 Sec. 20. Section 256.7, subsection 8, Code Supplement 2011,
33 is amended by striking the subsection and inserting in lieu
34 thereof the following:

35 8. Adopt rules providing for the establishment of an online

LSB 5398XL (18) 84

-10-

kh/rj

10/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 learning program model. For purposes of this section and
2 sections 256.9 and 256.27, "online learning" means educational
3 instruction and content which is delivered primarily over the
4 internet. "Online learning" does not include printed-based
5 correspondence education, broadcast television or radio,
6 videocassettes, or stand-alone educational software programs
7 that do not have a significant internet-based instructional
8 component.

9 Sec. 21. Section 256.9, Code Supplement 2011, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 65. a. Develop and establish an online
12 learning program model in accordance with rules adopted
13 pursuant to section 256.7, subsection 8.

14 b. Grant a waiver to school districts, charter schools,
15 and accredited nonpublic schools that implement an online
16 learning program aligned with the program model developed and
17 established pursuant to this subsection. A school district or
18 school seeking a waiver pursuant to this paragraph shall submit
19 a plan for an online learning program to the director for
20 approval. A school district or school whose online learning
21 program plan is approved by the director may be granted a
22 waiver only for purposes of implementing the approved online
23 learning program. The standards that may be waived pursuant to
24 this paragraph are as follows:

25 (1) The minimum number of instructional days required
26 pursuant to section 279.10, subsection 1, and the minimum
27 number of instructional hours required pursuant to section
28 256.7, subsection 19. Notwithstanding any provision to the
29 contrary, the waiver may exempt school districts and schools
30 from any statutory requirement that students be physically
31 present in a school building and under the guidance and
32 instruction of the instructional professional staff employed by
33 the school district or the school except as necessary under the
34 rules adopted pursuant to section 256.7, subsection 8.

35 (2) Any statutory requirement that a subject being studied

LSB 5398XL (18) 84

-11-

kh/rj

11/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 by a student enrolled in an approved online learning program be
2 a subject that is offered and taught by the professional staff
3 of the school district or school.

4 *c.* Require that the school district or school granted a
5 waiver pursuant to paragraph “*b*” implement and incorporate
6 into its comprehensive school improvement plan required under
7 section 256.7, subsection 21, accountability measures designed
8 to demonstrate that academic credit is awarded based upon
9 successful completion of content or achievement of competencies
10 by students enrolled in the approved online learning program.

11 *d.* Establish criteria for school districts or schools to
12 use when choosing providers of online learning to meet the
13 online learning program requirements specified in rules adopted
14 pursuant to section 256.7, subsection 8.

15 Sec. 22. NEW SECTION. **256.27 Online learning program model.**

16 1. *Online learning program model established.* The director,
17 pursuant to section 256.9, subsection 65, shall establish an
18 online learning program model that provides for the following:

19 *a.* Online access to high-quality content, instructional
20 materials, and blended learning.

21 *b.* Coursework customized to the needs of the student using
22 online content.

23 *c.* A means for a student to demonstrate competency in
24 completed online coursework.

25 *d.* High-quality online instruction taught by appropriately
26 licensed teachers.

27 *e.* Online content and instruction evaluated on the basis of
28 student learning outcomes.

29 *f.* Use of funds available for online learning for program
30 development, implementation, and innovation.

31 *g.* Infrastructure that supports online learning.

32 *h.* Online administration of online course assessments.

33 2. *Online learning program waiver application.* A school
34 district, charter school, or accredited nonpublic school may
35 apply to the department for a waiver to implement an online

LSB 5398XL (18) 84

-12-

kh/rj

12/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 learning program pursuant to section 256.9, subsection 65.
2 3. *Private providers.* At the discretion of the school board
3 or authorities in charge of an accredited nonpublic school,
4 after consideration of circumstances created by necessity,
5 convenience, and cost-effectiveness, courses developed by
6 private providers may be utilized by the school district or
7 school in implementing a high-quality online learning program.
8 Courses obtained from private providers shall be taught by
9 teachers licensed under this chapter.

10 4. *Grading.* Grades in online courses shall be based,
11 at a minimum, on whether a student mastered the subject,
12 demonstrated competency, and met the standards established
13 by the school district. Grades shall be conferred by
14 appropriately licensed teachers only.

15 5. *Accreditation criteria.* All online courses and programs
16 shall meet existing accreditation standards.

17 Sec. 23. Section 256.33, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. The department shall consort with school districts,
20 area education agencies, community colleges, and colleges
21 and universities ~~to provide assistance to them~~ in the use
22 of educational technology for instruction purposes. The
23 department shall consult with the advisory committee on
24 telecommunications, established in section 256.7, subsection 7,
25 and other users of educational technology on the development
26 and operation of programs under this section, section 256.9,
27 subsection 65, and section 256.27.

28 DIVISION VII

29 EDUCATIONAL STANDARDS EXEMPTIONS

30 Sec. 24. Section 256.11, subsection 8, Code 2011, is amended
31 to read as follows:

32 8. a. Upon request of the ~~board of directors of a public~~
33 ~~school district or the~~ authorities in charge of a nonpublic
34 school, the director may, for a number of years to be specified
35 by the director, grant the ~~district board or the~~ authorities

LSB 5398XL (18) 84

-13-

kh/rj

13/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 in charge of the nonpublic school exemption from one or more
2 of the requirements of the educational program specified in
3 subsection 5. The exemption may be renewed. Exemptions
4 shall be granted only if the director deems that the request
5 made is an essential part of a planned innovative curriculum
6 project which the director determines will adequately meet
7 the educational needs and interests of the pupils and be
8 broadly consistent with the intent of the educational program
9 as defined in subsection 5. The request for exemption shall
10 include all of the following:

11 ~~a.~~ (1) Rationale of the project to include supportive
12 research evidence.

13 ~~b.~~ (2) Objectives of the project.

14 ~~c.~~ (3) Provisions for administration and conduct of the
15 project, including the use of personnel, facilities, time,
16 techniques, and activities.

17 ~~d.~~ (4) Plans for evaluation of the project by testing
18 and observational measures of pupil progress in reaching the
19 objectives.

20 ~~e.~~ (5) Plans for revisions of the project based on
21 evaluation measures.

22 ~~f.~~ (6) Plans for periodic reports to the department.

23 ~~g.~~ (7) The estimated cost of the project.

24 b. Upon request of the board of directors of a public
25 school district, the director may, for a number of years to be
26 specified by the director, grant the district board exemption
27 from one or more of the requirements of the educational program
28 specified in this section if the school district complies with
29 the requirements set forth in section 256F.4, subsection 2,
30 paragraphs "a" through "m", the request for exemption includes
31 the components specified in paragraph "a", subparagraphs (1)
32 through (7), and the director deems that the request made is an
33 essential part of a planned innovative curriculum project which
34 the director determines will adequately meet the educational
35 needs and interests of the pupils and be broadly consistent

LSB 5398XL (18) 84

-14-

kh/rj

14/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 with the intent of the educational program as defined in this
2 section.

3 c. The director shall submit a report by February 1,
4 annually, to the state board, the governor, and the general
5 assembly that lists all of the exemptions granted pursuant to
6 this subsection and the reasons for which each exemption was
7 granted by the director.

8

DIVISION VIII

9

EDUCATOR IDENTIFIER SYSTEM AND EDUCATION

10

PLACEMENT CLEARINGHOUSE

11 Sec. 25. NEW SECTION. **256.28 Educator identifier system and**
12 **education placement clearinghouse.**

13 1. For purposes of this section, unless the context
14 otherwise requires:

15 a. "Educator" means a teacher or principal.

16 b. "Principal" means the same as defined in section 256.100,
17 subsection 10.

18 c. "Teacher" means the same as defined in section 256.100,
19 subsection 17.

20 2. Subject to an appropriation of sufficient funds by the
21 general assembly, there is established within the department
22 an educator identifier system and an education placement
23 clearinghouse for use by all educators and potential educators
24 and by Iowa's school districts, area education agencies,
25 charter schools, and accredited nonpublic schools.

26 3. The educator identifier system shall be designed for the
27 purposes of providing information for the following uses:

28 a. Studying teacher shortage areas and identifying any
29 possible solutions.

30 b. Studying practitioner preparation programs, educator
31 professional development programs, and educator mobility and
32 retention issues.

33 c. Improving teaching and student learning, including the
34 use of data to recognize, reward, and develop the careers of
35 individual educators.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 *d.* Collecting data for use in developing a longitudinal data
2 system that may be used with the educator identifier system to
3 match educators to students.

4 *e.* Allowing the state to gather baseline data about the
5 distribution of highly qualified teachers, including the number
6 and percent of teachers employed in schools in the state with
7 the highest-poverty and lowest-poverty levels, and to take
8 actions to address any inequities in the distribution of highly
9 qualified teachers throughout the state.

10 *f.* Enabling teachers to enhance student instruction through
11 the use of performance and longitudinal growth data.

12 4. A person who applies for or holds a license issued under
13 chapter 256 shall be assigned a unique identifier under the
14 educator identifier system.

15 5. The unique identifier shall not use any personal
16 identifying information, such as social security numbers or
17 contact information, except for alignment purposes in data
18 processing. Any such personal identifying information that
19 is collected for alignment purposes shall be maintained in a
20 secure data location so data sets can be matched based on the
21 personal identifying information when the identifier is not
22 included.

23 6. The educator identifier system shall include, at a
24 minimum, all of the following protections for educators, school
25 districts, area education agencies, charter schools, and
26 practitioner preparation programs:

27 *a.* The use of information that a school district, area
28 education agency, or charter school obtains from any other
29 source shall not be restricted by the provisions of this
30 subsection.

31 *b.* This subsection does not restrict the authority of a
32 school district, area education agency, or charter school to
33 do any of the following:

34 (1) Assign individual educators to specific grades, levels,
35 programs, or schools.

LSB 5398XL (18) 84

-16-

kh/rj

16/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 (2) Direct the professional development of individual
2 educators.

3 (3) Collaboratively design and develop, with representation
4 from the teachers and principals employed by the school
5 district, area education agency, and charter school,
6 alternative compensation plans through the procedures adopted
7 by the school district, area education agency, or charter
8 school for setting educator compensation.

9 c. The director, after consultation with practitioner
10 preparation programs, shall establish protocols for the release
11 of system data relating to graduates to their respective
12 practitioner preparation programs for the purpose of program
13 evaluation. Protocols shall comply with all federal laws.

14 d. The department may use system data to preliminarily
15 identify practices that show promise of improving student
16 outcomes or educator performance, if the practices are verified
17 by additional evidence.

18 e. The system shall comply with all state and federal
19 privacy laws in order to ensure the confidentiality and
20 appropriate uses of information included in the system.
21 Aggregate, nonidentifying information obtained from the
22 system shall be made available at multiple levels, including
23 state, school district, area education agency, charter school,
24 practitioner preparation program, nongovernmental entity,
25 and individual levels, through varying degrees of access, as
26 designated by the director.

27 7. Notwithstanding any provisions of this section to the
28 contrary, a school district, charter school, or area education
29 agency may use the system to merge, manage, or access any
30 information that it is otherwise authorized to obtain and
31 the use of such information shall not be restricted in any
32 way that is otherwise permitted by federal or state statute.
33 Information obtained through the system that school districts,
34 charter schools, or area education agencies are not otherwise
35 authorized to obtain may be used to achieve the purposes

LSB 5398XL (18) 84

-17-

kh/rj

17/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 described in subsection 3, so long as it is not used in any way
2 inconsistent with the protections set out in subsection 6.

3 8. The education placement clearinghouse shall be designed
4 and implemented for the posting of all education job openings
5 offered by the school districts, area education agencies,
6 charter schools, and accredited nonpublic schools in the state.

7 a. School districts, area education agencies, charter
8 schools, and accredited nonpublic schools shall submit their
9 education job openings to the department for posting on the
10 department's internet site.

11 b. An applicant shall apply once to the department, upon
12 forms furnished or made available in electronic form and
13 prescribed by the director, and shall indicate the applicant's
14 job interests, including but not limited to regions of
15 interest, levels or areas of endorsement and licensure, and
16 interests in current job postings on the department's internet
17 site. Only applicants who apply and meet requirements of this
18 paragraph are eligible to be interviewed for a job opening
19 posted pursuant to paragraph "a". The director shall provide
20 applicants with an option to update the information submitted
21 in accordance with this paragraph.

22 c. The director shall develop and implement a screening
23 process to identify high-quality educators that uses but is
24 not limited to the data collected from the educator identifier
25 system.

26 d. A school district, area education agency, charter school,
27 or accredited nonpublic school that interviews an applicant
28 pursuant to paragraph "b" may request information from the
29 applicant that was not collected and is not maintained by the
30 clearinghouse, but shall not ask an applicant for information
31 that duplicates information collected from the applicant and
32 maintained by the clearinghouse.

33 e. This subsection shall not be construed to discourage
34 a school district, area education agency, charter school, or
35 accredited nonpublic school from advertising, or from otherwise

LSB 5398XL (18) 84

-18-

kh/rj

18/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 making known, the positions available through the education
2 placement clearinghouse.

3 DIVISION IX

4 CLASS SHARING AGREEMENTS

5 Sec. 26. Section 257.11, subsection 3, Code 2011, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. c. A school district that collaborates with
8 a community college to provide a college-level class that uses
9 an activities-based, project-based, and problem-based learning
10 approach and that is offered through a partnership with a
11 nationally recognized provider of rigorous and innovative
12 science, technology, engineering, and mathematics curriculum
13 for schools, which provider is exempt from taxation under
14 section 501(c)(3) of the Internal Revenue Code, is eligible to
15 receive additional weighting under a supplementary weighting
16 plan adopted pursuant to this subsection.

17 DIVISION X

18 STATE BOARD OF EDUCATION LICENSURE PROVISIONS

19 Sec. 27. NEW SECTION. 256.100 Definitions.

20 As used in this subchapter, unless the context otherwise
21 requires:

22 1. "Administrator" means a person who is licensed to
23 coordinate, supervise, or direct an educational program or the
24 activities of other practitioners.

25 2. "Board" means the board of educational examiners.

26 3. "Certificate" means limited recognition to perform
27 instruction and instruction-related duties in school, other
28 than those duties for which practitioners are licensed. A
29 certificate is nonexclusive recognition and does not confer the
30 exclusive authority of a license.

31 4. "License" means the authority that is given to allow
32 a person to legally serve as a practitioner, a school, an
33 institution, or a course of study to legally offer professional
34 development programs, other than those programs offered by
35 practitioner preparation schools, institutions, courses of

LSB 5398XL (18) 84

-19-

kh/rj

19/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 study, or area education agencies. A license is the exclusive
2 authority to perform these functions.

3 5. "*Paraeducator*" means a person who is certified to assist
4 a teacher in the performance of instructional tasks to support
5 and assist classroom instruction and related school activities.

6 6. "*Practitioner*" means an administrator, teacher, or other
7 licensed professional, including an individual who holds a
8 statement of professional recognition, who provides educational
9 assistance to students.

10 7. "*Practitioner preparation program*" means a program
11 approved by the state board which prepares a person to obtain a
12 license as a practitioner.

13 8. "*Principal*" means a licensed member of a school's
14 instructional staff who serves as an instructional leader,
15 coordinates the process and substance of educational and
16 instructional programs, coordinates the budget of the school,
17 provides formative evaluation for all practitioners and other
18 persons in the school, recommends or has effective authority
19 to appoint, assign, promote, or transfer personnel in a school
20 building, implements the local school board's policy in a
21 manner consistent with professional practice and ethics, and
22 assists in the development and supervision of a school's
23 student activities program.

24 9. "*Professional development program*" means a course or
25 program which is offered by a person or agency for the purpose
26 of providing continuing education for the renewal or upgrading
27 of a practitioner's license.

28 10. "*School*" means a school under section 280.2, an area
29 education agency, and a school operated by a state agency for
30 special purposes.

31 11. "*School administration manager*" means a person who
32 is authorized to assist a school principal in performing
33 noninstructional administrative duties.

34 12. "*School service personnel*" means those persons holding
35 a practitioner's license who provide support services for a



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 student enrolled in school or to practitioners employed in a
2 school.

3 13. "*State board*" means the state board of education.

4 14. "*Student*" means a person who is enrolled in a course of
5 study at a school or practitioner preparation program, or who
6 is receiving direct or indirect assistance from a practitioner.

7 15. "*Superintendent*" means an administrator who promotes,
8 demotes, transfers, assigns, or evaluates practitioners or
9 other personnel, and carries out the policies of a governing
10 board in a manner consistent with professional practice and
11 ethics.

12 16. "*Teacher*" means a licensed member of a school's
13 instructional staff who diagnoses, prescribes, evaluates,
14 and directs student learning in a manner which is consistent
15 with professional practice and school objectives, shares
16 responsibility for the development of an instructional program
17 and any coordinating activities, evaluates or assesses student
18 progress before and after instruction, and who uses the student
19 evaluation or assessment information to promote additional
20 student learning.

21 Sec. 28. NEW SECTION. 256.101 Duties of the state board.

22 The state board shall do the following:

23 1. Adopt rules pursuant to chapter 17A to implement this
24 subchapter.

25 2. *a.* Provide for the licensure of practitioners and the
26 issuance of certificates, authorizations, and statements of
27 professional recognition to other education-related personnel;
28 establish criteria for licenses, certificates, authorizations,
29 and statements of professional recognition; establish
30 application, issuance, revocation, suspension, and renewal
31 requirements and procedures; create licenses that authorize
32 different instructional functions or specialties; and develop
33 any other classifications, distinctions, and procedures which
34 may be necessary to exercise licensing duties.

35 *b.* Provide for, in accordance with paragraph "*a*", the

LSB 5398XL (18) 84

-21-

kh/rj

21/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 issuance of statements of professional recognition to
2 school service personnel who have attained a minimum of
3 a baccalaureate degree and who are licensed by another
4 professional licensing board, including but not limited to
5 athletic trainers licensed under chapter 152D.
6 c. Provide for, in accordance with paragraph "a", the
7 issuance of authorizations for practitioners who are not
8 eligible for a statement of professional recognition under
9 paragraph "b", but have received a baccalaureate degree and
10 provide a service to students at any level from prekindergarten
11 through grade twelve for a school district, accredited
12 nonpublic school, area education agency, or preschool program
13 established pursuant to chapter 256C.
14 3. Develop and adopt a code of professional rights and
15 responsibilities, practices, and ethics, which shall, among
16 other things, address the failure of a practitioner to
17 fulfill contractual obligations under section 279.13. In
18 addressing the failure of a practitioner to fulfill contractual
19 obligations, the rules shall allow consideration of factors
20 beyond the practitioner's control.
21 4. Provide annually to any person who holds a license,
22 certificate, authorization, or statement of professional
23 recognition issued by the department, training relating to
24 the knowledge and understanding of the state board's code
25 of professional conduct and ethics. The department shall
26 develop a curriculum that addresses the code of professional
27 conduct and ethics and shall annually provide regional training
28 opportunities throughout the state.
29 5. Establish fees for a license, certificate,
30 authorization, or statement of professional recognition issued
31 pursuant to this subchapter.
32 6. Enter into reciprocity agreements with other equivalent
33 state boards or a national certification board to provide for
34 licensing of applicants from other states or nations.
35 7. Establish and adopt standards for the determination

LSB 5398XL (18) 84

-22-

kh/rj

22/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of whether an applicant is qualified to perform the duties
2 required for a given license.

3 8. Provide alternative pathways to the initial teacher
4 license and initial administrator license or endorsement in
5 accordance with section 256.124. The rules shall prescribe
6 standards and procedures for the approval of alternative
7 principal licensing programs which may be offered in this state
8 by designated agencies located within or outside this state.
9 Procedures provided for approval of alternative principal
10 licensing programs shall include procedures for enforcement of
11 the prescribed standards.

12 9. Adopt rules to determine whether an applicant is
13 qualified to perform the duties for which a license,
14 certificate, authorization, or statement of professional
15 recognition is sought. The rules shall include all of the
16 following:

17 a. Provision for the denial of a license, certificate,
18 authorization, or statement of professional recognition of a
19 person upon the department's finding, and for the revocation
20 of a license, certificate, authorization, or statement of
21 professional recognition upon the board's finding, by a
22 preponderance of evidence that either the person has been
23 convicted of a crime or that there has been a founded report of
24 child abuse against the person. Rules adopted in accordance
25 with this paragraph shall provide that in determining whether
26 a person should be denied a license or that a practitioner's
27 license should be revoked, the department or board, as
28 appropriate, shall consider the nature and seriousness of the
29 founded abuse or crime in relation to the position sought or
30 held, the time elapsed since the crime was committed, the
31 degree of rehabilitation which has taken place since the
32 incidence of founded abuse or the commission of the crime,
33 the likelihood that the person will commit the same abuse or
34 crime again, and the number of founded abuses committed by or
35 criminal convictions of the person involved.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 **b.** Notwithstanding paragraph “a”, a requirement that the
2 department disqualify an applicant for a license, certificate,
3 authorization, or statement of professional recognition or that
4 the board revoke the license, certificate, authorization, or
5 statement of professional recognition of a person for any of
6 the following reasons:

7 (1) The person entered a plea of guilty to, or has been
8 found guilty of, any of the following offenses, whether or not
9 a sentence is imposed:

10 (a) Any of the following forcible felonies included in
11 section 702.11: child endangerment, assault, murder, sexual
12 abuse, or kidnapping.

13 (b) Any of the following sexual abuse offenses, as provided
14 in chapter 709, involving a child:

15 (i) First, second, or third degree sexual abuse committed on
16 or with a person who is under the age of eighteen years.

17 (ii) Lascivious acts with a child.

18 (iii) Assault with intent to commit sexual abuse.

19 (iv) Indecent contact with a child.

20 (v) Sexual exploitation by a counselor.

21 (vi) Lascivious conduct with a minor.

22 (vii) Sexual exploitation by a school employee.

23 (c) Enticing a minor under section 710.10.

24 (d) Human trafficking under section 710A.2.

25 (e) Incest involving a child under section 726.2.

26 (f) Dissemination and exhibition of obscene material to
27 minors under section 728.2.

28 (g) Telephone dissemination of obscene material to minors
29 under section 728.15.

30 (h) Any offense specified in the laws of another
31 jurisdiction, or any offense that may be prosecuted in federal,
32 military, or foreign court, that is comparable to an offense
33 listed in this subparagraph (1).

34 (i) Any offense under prior laws of this state or another
35 jurisdiction, or any offense under prior law that was

LSB 5398XL (18) 84

-24-

kh/rj

24/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 prosecuted in a federal, military, or foreign court, that is
2 comparable to an offense listed in this subparagraph (1).

3 (2) The applicant is less than twenty-one years of age
4 except as provided in section 256.117, subsection 1, paragraph
5 "e". However, a student enrolled in a practitioner preparation
6 program who meets state board requirements for a temporary,
7 limited-purpose license who is seeking to teach as part of a
8 practicum or internship may be less than twenty-one years of
9 age.

10 (3) The applicant's application is fraudulent.

11 (4) The applicant's license or certification from another
12 state is suspended or revoked.

13 (5) The applicant fails to meet state board standards for
14 application for an initial or renewed license.

15 c. Qualifications or criteria for the granting or
16 revocation of a license or the determination of an individual's
17 professional standing shall not include membership or
18 nonmembership in any teachers' organization.

19 d. An applicant for a license or certificate under this
20 subchapter shall demonstrate that the requirements of the
21 license or certificate have been met and the burden of proof
22 shall be on the applicant.

23 10. Adopt criteria for administrative endorsements that
24 allow a person to achieve the endorsement authorizing the
25 person to serve as an elementary or secondary principal without
26 regard to the grade level at which the person accrued teaching
27 experience.

28 11. Adopt rules to require that a background investigation
29 be conducted by the division of criminal investigation of the
30 department of public safety on all initial applicants for
31 licensure.

32 Sec. 29. NEW SECTION. 256.102 Duties of the department.

33 The department shall do the following:

34 1. Carry out programs and policies as determined by the
35 state board, and the duties and responsibilities of the

LSB 5398XL (18) 84

-25-

kh/rj

25/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 department as set forth in this subchapter.
2 2. License practitioners and issue certificates,
3 authorizations, and statements of professional recognition in
4 accordance with rules adopted pursuant to section 256.101.
5 3. Enforce rules adopted by the state board under section
6 256.101 and the actions taken by the board under section
7 256.105 or 256.106, including but not limited to enforcement
8 of disciplinary action against a practitioner, practitioner
9 preparation program, or professional development program
10 licensed or approved by the department.
11 4. Create license, certificate, authorization, and
12 statement of professional recognition application and renewal
13 forms.
14 5. Collect and refund fees for a license, certificate,
15 authorization, or statement of professional recognition issued
16 pursuant to this subchapter.
17 6. Make recommendations to the state board concerning
18 standards for the approval of professional development
19 programs.
20 7. Apply for and receive federal or other funds on behalf of
21 the state for purposes related to its duties.
22 8. Require all initial applicants to submit a completed
23 fingerprint packet which the department shall use to facilitate
24 a national criminal history background check. The department
25 shall have access to, and shall review, the sex offender
26 registry information under section 692A.121 available to
27 the general public, the central registry for child abuse
28 information established under chapter 235A, and the dependent
29 adult abuse records maintained under chapter 235B for
30 information regarding applicants for license renewal.
31 9. Evaluate and conduct studies of state board standards.
32 10. Periodically review the administrative rules adopted
33 pursuant to this subchapter and related state laws. The
34 department shall compile and submit the department's findings
35 and recommendations in a written report to the state board, the

LSB 5398XL (18) 84

-26-

kh/rj

26/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 board, and the general assembly by January 15, 2014, and every
2 three years thereafter.

3 Sec. 30. NEW SECTION. 256.103 Fees — expenditures and
4 refunds.

5 1. It is the intent of the general assembly that licensing
6 fees established by the state board be sufficient to finance
7 the activities of the state board, the board, and the
8 department under this subchapter.

9 2. Licensing fees are payable to the treasurer of state and
10 shall be deposited with the department. The licensing fees
11 collected during the fiscal year shall be retained by and are
12 appropriated to the department for the purposes related to the
13 administration of this subchapter. Notwithstanding section
14 8.33, licensing fees retained by and appropriated to the
15 department pursuant to this section that remain unencumbered or
16 unobligated at the close of the fiscal year shall not revert
17 but shall remain available for expenditure for purposes of
18 the administration of this subchapter until the close of the
19 succeeding fiscal year.

20 3. The director shall keep an accurate and detailed account
21 of the fees received.

22 4. The department shall submit a detailed annual financial
23 report by January 1 to the general assembly and the legislative
24 services agency.

25 5. Expenditures and refunds made for purposes of this
26 subchapter shall be certified by the director to the director
27 of the department of administrative services and, if found
28 correct, the director of the department of administrative
29 services shall approve the expenditures and refunds and
30 draw warrants upon the treasurer of state from the funds
31 appropriated for that purpose.

32 Sec. 31. NEW SECTION. 256.104 Board of educational
33 examiners created.

34 1. The board of educational examiners is established to
35 enforce rules adopted by the state board through revocation

LSB 5398XL (18) 84

-27-

kh/rj

27/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 or suspension of a license, certificate, authorization, or
2 statement of professional recognition or by other disciplinary
3 action against a person who holds a license, certificate,
4 authorization, or statement of professional recognition or
5 professional development program approved by the state board
6 and to hear appeals regarding application, renewal, suspension,
7 or revocation of a license, certificate, authorization, or
8 statement of professional recognition issued pursuant to this
9 subchapter.

10 2. The board consists of twelve members who shall be
11 appointed by the governor subject to confirmation by the
12 senate.

13 3. The members shall include the following:

14 a. Two members of the general public. One of the public
15 members shall have served on a school board. The public
16 members shall never have held a practitioner's license, but
17 shall have a demonstrated interest in education.

18 b. The director appointed pursuant to section 256.8, or the
19 director's designee.

20 c. (1) Nine members who are licensed practitioners, who
21 shall be selected from the following areas and specialties of
22 the teaching profession:

23 (a) Elementary teachers.

24 (b) Secondary teachers.

25 (c) Special education or other similar teachers.

26 (d) Counselors or other special purpose practitioners.

27 (e) Administrators.

28 (f) School service personnel.

29 (2) A majority of the licensed practitioner members shall
30 be nonadministrative practitioners. Four of the licensed
31 practitioner members shall be administrators.

32 4. Membership of the board shall comply with the
33 requirements of sections 69.16 and 69.16A. A quorum of the
34 board shall consist of six members. Members shall elect a
35 chairperson of the board.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 5. a. Members except for the director or the director's
2 designee shall be appointed to serve staggered terms of four
3 years. A member shall not serve more than two consecutive
4 terms, except for the director or the director's designee, who
5 shall serve until the director's term of office expires. A
6 vacancy exists when any of the following occur:

7 (1) A nonpublic member's license expires, is suspended, or
8 is revoked.

9 (2) A nonpublic member retires or terminates employment as a
10 practitioner.

11 (3) A member dies, resigns, is removed from office, or is
12 otherwise physically unable to perform the duties of office.

13 (4) A member's term of office expires.

14 b. Terms of office for regular appointments shall begin
15 and end as provided in section 69.19. Terms of office for
16 members appointed to fill vacancies shall begin on the date
17 of appointment and end as provided in section 69.19. Members
18 may be removed for cause by a state court with competent
19 jurisdiction after notice and opportunity for hearing. The
20 board may remove a member for three consecutive absences or for
21 cause.

22 6. Members shall be reimbursed for actual and necessary
23 expenses incurred while engaged in their official duties
24 and may be entitled to per diem compensation as authorized
25 under section 7E.6. For duties performed during an ordinary
26 school day by a member who is employed by a school corporation
27 or state university, the member shall also receive regular
28 compensation from the school or university. However, the
29 member shall reimburse the school or university in the amount
30 of the per diem compensation received.

31 Sec. 32. NEW SECTION. 256.105 Board hearing procedures —
32 confidentiality — administrative law judges.

33 1. The board shall designate who may or shall initiate a
34 licensee disciplinary investigation and a licensee disciplinary
35 proceeding, and who shall prosecute a disciplinary proceeding

LSB 5398XL (18) 84

-29-

kh/rj

29/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 and under what conditions, and shall state the procedures for
2 review by the board of findings of fact if a majority of the
3 board does not hear the disciplinary proceeding. However, in a
4 case alleging failure of a practitioner to fulfill contractual
5 obligations, the person who files a complaint with the board,
6 or the complainant's designee, shall represent the complainant
7 in a disciplinary hearing conducted in accordance with this
8 subchapter.

9 2. Hearings before the board shall be conducted in the same
10 manner as contested cases under chapter 17A. In addition, the
11 board shall require specificity in written complaints that are
12 filed by individuals who have personal knowledge of an alleged
13 violation and which are accepted by the board, provide that
14 jurisdictional requirements as set by the board are met on
15 the face of the complaint before initiating an investigation
16 of allegations, provide that any investigation be limited
17 to the allegations contained on the face of the complaint,
18 provide for an adequate interval between the receipt of a
19 complaint and public notice of the complaint, permit parties to
20 a complaint to mutually agree to a resolution of the complaint
21 filed with the board, allow the respondent the right to review
22 any investigative report upon a finding of probable cause for
23 further action by the board, require that the conduct providing
24 the basis for the complaint occurred within three years of
25 discovery of the event by the complainant unless good cause
26 can be shown for an extension of this limitation, and require
27 complaints to be resolved within one hundred eighty days unless
28 good cause can be shown for an extension of this limitation.

29 3. In addressing the failure of a practitioner to fulfill
30 contractual obligations, the board shall consider factors
31 beyond the practitioner's control.

32 4. The board may subpoena books, papers, records, and
33 any other real evidence necessary for the board to decide
34 whether it should institute a contested case hearing. At the
35 hearing the board may administer oaths and issue subpoenas to

LSB 5398XL (18) 84

-30-

kh/rj

30/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 compel the attendance of witnesses and the production of other
2 evidence. Subpoenas may be issued by the board to a party
3 to a hearing, if the party demonstrates that the evidence or
4 witnesses' testimony is relevant and material to the hearing.
5 Service of process and subpoenas for board hearings shall be
6 conducted in accordance with the law applicable to the service
7 of process and subpoenas in civil actions.

8 5. Witnesses subpoenaed to appear before the board shall be
9 reimbursed for mileage and necessary expenses and shall receive
10 per diem compensation by the board unless the witness is an
11 employee of the state or a political subdivision, in which case
12 the witness shall receive reimbursement only for mileage and
13 necessary expenses.

14 6. All complaint files, investigation files, other
15 investigation reports, and other investigative information in
16 the possession of the board or its employees or agents, which
17 relate to licensee discipline, are privileged and confidential,
18 and are not subject to discovery, subpoena, or other means of
19 legal compulsion for their release to a person other than the
20 respondent and the board and its employees and agents involved
21 in licensee discipline, and are not admissible in evidence in a
22 judicial or administrative proceeding other than the proceeding
23 involving licensee discipline. A complaint, any amendment to
24 a complaint, and any supporting documents shall be provided
25 to the respondent immediately upon the board's determination
26 that jurisdictional requirements have been met and prior to
27 the commencement of the board's investigation. Investigative
28 information in the possession of the board or its employees or
29 agents which relates to licensee discipline may be disclosed
30 to appropriate licensing authorities within this state, the
31 appropriate licensing authority in another state, the District
32 of Columbia, or a territory or country in which the licensee
33 is licensed or has applied for a license. A final written
34 decision and finding of fact of the board in a disciplinary
35 proceeding is a public record.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 7. The board shall maintain a list of qualified persons
2 who are experienced in the educational system of this state to
3 serve as administrative law judges when a hearing is requested
4 under section 279.24. When requested under section 279.24,
5 the board shall submit a list of five qualified administrative
6 law judges to the parties. The parties shall select one of
7 the five qualified persons to conduct the hearing as provided
8 in section 279.24. The hearing shall be held pursuant to
9 the provisions of chapter 17A relating to contested cases.
10 The full costs of the hearing shall be shared equally by the
11 parties.

12 8. Board action is final agency action for purposes of
13 chapter 17A.

14 Sec. 33. NEW SECTION. 256.106 Reporting requirements —
15 complaints.

16 1. a. The board of directors of a school district or area
17 education agency, the superintendent of a school district or
18 the chief administrator of an area education agency, and the
19 authorities in charge of a nonpublic school shall report to the
20 board the nonrenewal or termination, for reasons of alleged
21 or actual misconduct, of a person's contract executed under
22 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
23 279.24, and the resignation of a person who holds a license,
24 certificate, authorization, or statement of professional
25 recognition issued by the department as a result of or
26 following an incident or allegation of misconduct that, if
27 proven, would constitute a violation of the rules adopted by
28 the state board to implement section 256.101, subsection 9,
29 paragraph "b", subparagraph (1), when the school board, area
30 education agency board, authorities, or reporting official
31 has a good-faith belief that the incident occurred or the
32 allegation is true. The department may deny a license or the
33 board may revoke the license of an administrator if the board
34 finds by a preponderance of the evidence that the administrator
35 failed to report the termination or resignation of a school

LSB 5398XL (18) 84

-32-

kh/rj

32/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 employee holding a license, certificate, authorization, or
2 statement of professional recognition for reasons of alleged or
3 actual misconduct, as defined by this subchapter.
4 **b.** Information reported to the board in accordance with this
5 section is privileged and confidential, and except as provided
6 in section 256.105, is not subject to discovery, subpoena, or
7 other means of legal compulsion for its release to a person
8 other than the respondent and the board and its employees and
9 agents involved in licensee discipline, and is not admissible
10 in evidence in a judicial or administrative proceeding other
11 than the proceeding involving licensee discipline. The board
12 shall review the information reported to determine whether a
13 complaint should be initiated. In making that determination,
14 the board shall consider the factors enumerated in section
15 256.101, subsection 9, paragraph "a".
16 **c.** For purposes of this section, unless the context
17 otherwise requires, "misconduct" means an action disqualifying
18 an applicant for a license or causing the license of a person
19 to be revoked or suspended in accordance with the rules adopted
20 by the state board to implement section 256.101, subsection 9,
21 paragraph "b", subparagraph (1).
22 **2.** If, in the course of performing official duties, an
23 employee of the department becomes aware of any alleged
24 misconduct by an individual licensed under this subchapter, the
25 employee shall report the alleged misconduct to the board under
26 rules adopted pursuant to subsection 1.
27 **3.** If the board verifies through a review of official
28 records that a teacher who holds a practitioner's license under
29 this subchapter is assigned instructional duties for which the
30 teacher does not hold the appropriate license or endorsement,
31 either by grade level or subject area, by a school district or
32 accredited nonpublic school, the board may initiate a complaint
33 against the teacher and the administrator responsible for the
34 inappropriate assignment of instructional duties.
35 **Sec. 34. NEW SECTION. 256.107 Immunities.**

LSB 5398XL (18) 84

-33-

kh/rj

33/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 1. A person shall not be civilly liable as a result of the
2 person's acts, omissions, or decisions that are reasonable and
3 in good faith as a member of the board or as an employee or
4 agent of the department in connection with the person's duties
5 under this subchapter.

6 2. A person shall not be civilly liable as a result
7 of filing a report or complaint with the board or for the
8 disclosure to the board or its agents or employees, whether or
9 not pursuant to a subpoena of records, documents, testimony, or
10 other forms of information in connection with proceedings of
11 the board. However, such immunity from civil liability shall
12 not apply if such an act is done with malice.

13 3. A person shall not be dismissed from employment or
14 discriminated against by an employer for doing any of the
15 following:

16 a. Filing a complaint with the board.

17 b. Participating as a member, agent, or employee of the
18 board.

19 c. Presenting testimony or other evidence to the board.

20 4. An employer who violates this section shall be liable to
21 a person aggrieved by such violation for actual and punitive
22 damages plus reasonable attorney fees.

23 Sec. 35. NEW SECTION. 256.111 **Validity of license.**

24 1. A license issued under state board authority is valid for
25 the period of time for which it is issued, unless the license
26 is suspended or revoked. A license issued pursuant to this
27 subchapter is valid until the last day of the practitioner's
28 birth month in the year in which the license expires. No
29 permanent licenses shall be issued. A person employed as a
30 practitioner shall hold a valid license with an endorsement
31 for the type of service for which the person is employed.
32 This section does not limit the duties or powers of a school
33 board to select or discharge practitioners or to terminate
34 practitioners' contracts. A professional development program,
35 except for a program offered by a practitioner preparation

LSB 5398XL (18) 84

-34-

kh/rj

34/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 institution or area education agency and approved by the state
2 board, must possess a valid license for the types of programs
3 offered.

4 2. The department or the board, as applicable, may grant
5 or deny license applications, grant or deny applications
6 for renewal of a license, or suspend or revoke licenses in
7 accordance with the provisions of this subchapter. A denial
8 of an application for a license, a denial of an application
9 for renewal, or a suspension or revocation of a license may be
10 appealed by the practitioner to the department or board, as
11 applicable.

12 3. The department may issue emergency renewal or temporary,
13 limited-purpose licenses upon petition by a current or
14 former practitioner. An emergency renewal or a temporary,
15 limited-purpose license may be issued for a period not
16 to exceed two years, if a petitioner demonstrates, to the
17 satisfaction of the department, good cause for failure to
18 comply with state board requirements for a regular license
19 and provides evidence that the petitioner will comply with
20 state board requirements within the period of the emergency
21 or temporary license. Under exceptional circumstances, an
22 emergency license may be renewed by the department for one
23 additional year. A previously unlicensed person is not
24 eligible for an emergency or temporary license, except that a
25 student who is enrolled in a licensed practitioner preparation
26 program may be issued a temporary, limited-purpose license,
27 without payment of a fee, as part of a practicum or internship
28 program.

29 Sec. 36. NEW SECTION. 256.112 License to applicants from
30 other states or countries.

31 1. The department may provide for the issuance of a license
32 to an applicant from another state or country if the applicant
33 files evidence of the possession of the required or equivalent
34 requirements with the department. If the applicant is the
35 spouse of a military person who is on duty or in active state

LSB 5398XL (18) 84

-35-

kh/rj

35/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 duty as defined in section 29A.1, subsections 9 and 11, the
2 department shall assign a consultant to be the single point of
3 contact for the applicant regarding nontraditional licensure.

4 2. The state board may enter into reciprocity agreements
5 with another state or country for the licensing of
6 practitioners on an equitable basis of mutual exchange.

7 3. Practitioner preparation and professional development
8 programs offered in this state by out-of-state institutions
9 must be approved by the state board in order to fulfill
10 requirements for licensure or renewal of a license by an
11 applicant.

12 Sec. 37. NEW SECTION. 256.113 Continuity of certificates
13 and licenses.

14 1. A certificate which was issued by the board of
15 educational examiners to a practitioner before July 1,
16 1989, continues to be in force as long as the certificate
17 complies with the rules and statutes in effect on July
18 1, 1989. Requirements for the renewal of licenses, under
19 this subchapter, do not apply retroactively to renewal of
20 certificates. However, this section does not limit the
21 duties or powers of a school board to select or discharge
22 practitioners or to terminate practitioners' contracts.

23 2. A practitioner who holds a certificate issued before
24 July 1, 1989, shall, upon application and payment of a fee,
25 be granted a license which will permit the practitioner to
26 perform the same duties and functions as the practitioner was
27 entitled to perform with the certificate held at the time of
28 application. A practitioner shall be permitted to convert a
29 permanent certificate to a term certificate, after July 1,
30 1989, without payment of a fee.

31 Sec. 38. NEW SECTION. 256.114 Administrator mentoring and
32 induction — licenses.

33 1. Requirements for administrator licensure beyond an
34 initial license shall include completion of a beginning
35 administrator mentoring and induction program and demonstration

LSB 5398XL (18) 84

-36-

kh/rj

36/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of competence on the administrator standards adopted pursuant
2 to section 284A.3.

3 2. The state board shall adopt rules for administrator
4 licensure renewal that include credit for individual
5 administrator professional development plans developed in
6 accordance with section 284A.6.

7 3. An administrator formerly employed as an administrator
8 prior to July 1, 2007, by an accredited nonpublic school, or
9 who within one year prior to employment in Iowa was employed
10 by an accredited school in another state or country, is exempt
11 from the mentoring and induction requirement under subsection
12 1 if the administrator can document two years of successful
13 administrator experience and meet or exceed the requirements
14 contained in rules adopted pursuant to this subchapter for
15 endorsement and licensure.

16 Sec. 39. NEW SECTION. 256.115 **National certification.**

17 The state board shall review the standards for teacher's
18 certificates adopted by the national board for professional
19 teaching standards. If the standards required by the national
20 board meet or exceed the requirements for an endorsement or
21 license issued under rules adopted pursuant to this subchapter,
22 the department shall issue an endorsement or license to an
23 applicant for such an endorsement or license if the applicant
24 holds a valid certificate issued by the national board.

25 Sec. 40. NEW SECTION. 256.116 **Paraeducator certificates.**

26 The state board shall establish a voluntary certification
27 system for paraeducators. The state board shall specify in
28 rule the rights, responsibilities, levels, and qualifications
29 for the certificate. Applicants shall be disqualified for
30 any reason specified in section 256.101, subsection 9, except
31 that the department may issue a paraeducator certificate to a
32 person who is at least eighteen years of age. A person holding
33 a paraeducator certificate shall not perform the duties of
34 a licensed practitioner. A paraeducator certificate issued
35 pursuant to this section shall not be considered a teacher



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 or administrator license for any purpose specified by law,
2 including the purposes specified under this subchapter or
3 chapter 279.

4 Sec. 41. NEW SECTION. 256.117 Authorizations — coaching
5 — school business officials.

6 1. The minimum requirements for the issuance of a coaching
7 authorization to an applicant under this subchapter include the
8 following:

9 a. Successful completion of one semester credit hour
10 or ten contact hours in a course relating to knowledge and
11 understanding of the structure and function of the human body
12 in relation to physical activity.

13 b. Successful completion of one semester credit hour
14 or ten contact hours in a course relating to knowledge and
15 understanding of human growth and development of children and
16 youth in relation to physical activity.

17 c. Successful completion of two semester credit hours or
18 twenty contact hours in a course relating to knowledge and
19 understanding of the prevention and care of athletic injuries
20 and medical and safety problems relating to physical activity.

21 d. Successful completion of one semester credit hour or ten
22 contact hours relating to knowledge and understanding of the
23 techniques and theory of coaching interscholastic athletics.

24 e. Attainment of at least eighteen years of age.

25 2. a. The department shall issue a school business official
26 authorization to an individual who successfully completes a
27 training program that meets the standards set by the state
28 board pursuant to section 256.7, subsection 30, and who
29 complies with rules adopted by the state board pursuant to
30 subsection 4.

31 b. A person hired on or after July 1, 2012, as a school
32 business official responsible for the financial operations of
33 a school district who is without prior experience as a school
34 business official in Iowa shall either hold the school business
35 official authorization issued pursuant to paragraph "a" or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 obtain the authorization within two years of the start date of
2 employment as a school business official.

3 *c.* An individual employed as a school business official
4 prior to July 1, 2012, who meets the requirements of the
5 state board, other than the training program requirements of
6 paragraph "a", shall be issued, with no fee for issuance, an
7 initial authorization, but shall meet renewal requirements for
8 an authorization within the time period specified by the state
9 board.

10 3. The department shall issue a school administration
11 manager authorization to an individual who successfully
12 completes a training program that meets the standards set by
13 the state board pursuant to section 256.7, subsection 30, and
14 who complies with rules adopted by the state board pursuant to
15 subsection 4.

16 4. The state board shall work with institutions of
17 higher education, private colleges and universities,
18 community colleges, area education agencies, and professional
19 organizations to ensure that the courses and programs required
20 for authorization under this section are offered throughout the
21 state at convenient times and at a reasonable cost.

22 5. The department shall establish a statewide school
23 administration manager training program that complies with the
24 standards and procedures established pursuant to section 256.7,
25 subsection 30, paragraph "b". Participation in the program is
26 voluntary for school districts, charter schools, and accredited
27 nonpublic schools and their employees.

28 Sec. 42. NEW SECTION. **256.121 Specific criteria for teacher**
29 **preparation and certain educators.**

30 1. Pursuant to section 256.7, subsection 5, the state board
31 shall adopt rules requiring all higher education institutions
32 providing approved practitioner preparation programs to do the
33 following:

34 *a.* Require any candidate for admission to the practitioner
35 preparation program to have a cumulative postsecondary grade



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 point average at the time of application of at least three on a
2 four-point scale, or its equivalent if another scale is used.

3 *b.* (1) Administer a basic skills test, which has been
4 approved by the director, to practitioner preparation program
5 admission candidates. Candidates who do not successfully
6 pass the test with a score above the twenty-fifth percentile
7 nationally shall be denied admission to the program.

8 (2) A student shall not successfully complete the program
9 unless the student achieves scores above the twenty-fifth
10 percentile nationally on an assessment approved by the director
11 in pedagogy and at least one content area.

12 *c.* Include preparation in reading programs and integrate
13 reading strategies into content area methods coursework.

14 *d.* Include in the professional education program,
15 preparation that contributes to the education of students
16 with disabilities and students who are gifted and talented,
17 and preparation in classroom management addressing high-risk
18 behaviors including but not limited to behaviors related to
19 substance abuse. Preparation required under this paragraph
20 must be successfully completed before graduation from the
21 practitioner preparation program.

22 2. An applicant for licensure under this subchapter shall
23 have successfully completed a professional education program
24 containing the subject matter specified in this section.

25 Sec. 43. NEW SECTION. 256.122 Rules for practitioner
26 preparation programs.

27 The state board shall adopt rules pursuant to chapter 17A
28 which require that an approved practitioner preparation program
29 include all of the following:

30 1. A requirement that each student admitted to the program
31 must participate in at least fifty hours of field experience
32 that includes both observation and participation in teaching
33 activities in a variety of school settings; at least ten hours
34 of which shall occur prior to a student's acceptance in the
35 program. The student teaching experience shall be a minimum of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 fifteen weeks in duration during the student's final year of
2 the practitioner preparation program.

3 2. A requirement that faculty members in professional
4 education maintain an ongoing involvement in activities in
5 elementary, middle, or secondary schools. The activities shall
6 include at least forty hours of team teaching during a period
7 not exceeding two years in duration at the elementary, middle,
8 or secondary level.

9 3. A requirement that the program include instruction
10 in skills and strategies to be used in classroom management
11 of individuals, and of small and large groups, under varying
12 conditions; skills for communicating and working constructively
13 with pupils, teachers, administrators, and parents; and skills
14 for understanding the role of the state board and the functions
15 of other education agencies in the state. The requirement
16 shall be based upon recommendations of the director after
17 consultation with teacher education faculty members in colleges
18 and universities.

19 4. A requirement that prescribes minimum experiences and
20 responsibilities to be accomplished during the student teaching
21 experience by the student teacher and by the cooperating
22 teacher based upon recommendations of the director after
23 consultation with teacher education faculty members in
24 colleges and universities. The student teaching experience
25 shall include opportunities for the student teacher to become
26 knowledgeable about the Iowa teaching standards, including a
27 mock evaluation performed by the cooperating teacher. The
28 mock evaluation shall not be used as an assessment tool by
29 the practitioner preparation program. The student teaching
30 experience shall consist of interactive experiences involving
31 practitioner preparation program personnel, the student
32 teacher, the cooperating teacher, and administrative personnel
33 from the cooperating teacher's school district.

34 5. A requirement that each approved practitioner
35 preparation program or professional development institution

LSB 5398XL (18) 84

-41-

kh/rj

41/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 annually offer a workshop of at least one day in duration for
2 prospective cooperating teachers. The workshop shall define
3 the objectives of the student teaching experience, review
4 the responsibilities of the cooperating teacher, and provide
5 the cooperating teacher other information and assistance the
6 institution deems necessary.

7 6. A requirement that practitioner preparation students
8 receive instruction in the use of electronic technology for
9 classroom and instructional purposes.

10 7. A requirement that each institution with an approved
11 practitioner preparation program annually solicit the views
12 of the education community regarding the institution's
13 practitioner preparation program. The institution shall
14 collect the education community's views and the institution's
15 findings and recommendations in a report which shall be
16 submitted to the department. The department shall publish the
17 report on its internet site.

18 8. A requirement that an approved practitioner preparation
19 program submit evidence that the college or department of
20 education is communicating with other colleges or departments
21 in the institution so that practitioner preparation students
22 may integrate teaching methodology with subject matter areas
23 of specialization.

24 9. A requirement that an approved practitioner preparation
25 program submit evidence that the evaluation of the performance
26 of a student teacher is a cooperative process that involves
27 both the faculty member supervising the student teacher and
28 the cooperating teacher. The rules shall require that each
29 institution develop a written evaluation procedure for use
30 by the cooperating teacher and a form for evaluating student
31 teachers, and require that a copy of the completed form be
32 included in the student teacher's permanent record.

33 Sec. 44. NEW SECTION. 256.123 **Student teaching and other**
34 **educational experiences.**

35 If the rules adopted by the state board for issuance of a

LSB 5398XL (18) 84

-42-

kh/rj

42/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 license or endorsement license require an applicant to complete
2 work in student teaching, prestudent teaching experiences,
3 field experiences, practicums, clinicals, or internships, an
4 institution with a practitioner preparation program approved by
5 the state board pursuant to section 256.7, subsection 3, shall
6 enter into a written contract with any Iowa school district,
7 accredited nonpublic school, preschool registered or licensed
8 by the department of human services, or area education agency
9 under terms and conditions as agreed upon by the contracting
10 parties. The terms and conditions of a written contract
11 entered into with a preschool pursuant to this section shall
12 provide that a student teacher be under the direct supervision
13 of an appropriately licensed cooperating teacher who is
14 employed to teach at the preschool. A student teaching or
15 engaged in preservice licensure activities in a school district
16 under the terms of such a contract are entitled to the same
17 protection, under section 670.8, as is afforded by that section
18 to officers and employees of the school district, during the
19 time the student is so assigned.

20 Sec. 45. NEW SECTION. **256.124 Alternative licensure and**
21 **endorsement.**

22 1. The state board shall establish alternative licensure
23 pathways for an initial teacher license and an initial
24 administrator license and endorsement.

25 2. The alternative pathway for an initial teacher license
26 shall include all of the following components:

27 a. A requirement that the applicant for the alternative
28 pathway to an initial teacher license meet all of the following
29 criteria:

30 (1) Hold, at a minimum, a bachelor's degree from a
31 regionally accredited postsecondary institution and twenty-four
32 postsecondary credit hours in the content area to be taught at
33 the licensure level sought by the applicant; or, in order to
34 teach a foreign language, the applicant shall hold at least a
35 bachelor's degree and be a native speaker of the language to

LSB 5398XL (18) 84

-43-

kh/rj

43/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 be taught.

2 (2) Have successfully passed a background check conducted
3 in accordance with section 256.102, subsection 8.

4 (3) Have at least three recent consecutive years of
5 successful, relevant work experience.

6 (4) Have successfully passed a basic skills test, approved
7 by the director, for acceptance. An applicant utilizing the
8 alternative pathway to an initial teacher license shall not
9 be issued such a license unless the student achieves scores
10 above the twenty-fifth percentile nationally on an examination
11 approved by the director for knowledge of pedagogies and in at
12 least one content area.

13 (5) Have a cumulative postgraduate grade point average of at
14 least three on a four-point scale, or its equivalent if another
15 grade scale is used.

16 b. A requirement that the person issued an initial teacher
17 license pursuant to this subsection shall, during the person's
18 first three years of teaching, successfully complete a
19 beginning teacher mentoring and induction program pursuant
20 to section 284.5, and shall successfully complete eighteen
21 postsecondary credit hours of pedagogy coursework before the
22 person may be issued a license beyond the initial license.

23 3. The alternative pathway for an initial administrator
24 license shall include all of the following components:

25 a. A requirement that the applicant for the alternative
26 pathway to an initial administrator license meet all of the
27 following criteria:

28 (1) Hold, at a minimum, a bachelor's degree from a
29 regionally accredited postsecondary institution.

30 (2) Have successfully passed a background check conducted
31 in accordance with section 256.102, subsection 8.

32 b. A requirement that a person who is issued an initial
33 administrator license through the alternative pathway specified
34 by this subsection may be employed by a school district or
35 accredited nonpublic school and, for the first consecutive

LSB 5398XL (18) 84

-44-

kh/rj

44/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 three years of employment as a building principal, shall
2 be supervised and mentored by a person who holds a valid
3 professional administrator license.

4 4. A person with at least five recent years of successful
5 experience as a professional educator, and who is enrolled in
6 an alternative principal licensing program approved by the
7 state board, may qualify for an initial administrator license.

8 5. A person with at least five recent years of successful
9 management experience in business; industry; local, state,
10 or federal government; or the military service of the United
11 States, and who has successfully completed an alternative
12 principal licensing program approved by the state board, may
13 qualify for an initial administrator license.

14 6. a. The alternative pathway for an initial administrator
15 endorsement for school superintendents and area education
16 agency administrators shall require an applicant to meet all of
17 the following criteria:

18 (1) Hold, at a minimum, a bachelor's degree from a
19 regionally accredited postsecondary institution.

20 (2) Have successfully passed a background check conducted
21 in accordance with section 256.102, subsection 8.

22 (3) Have at least five recent years of successful, relevant
23 experience as a professional educator or management experience
24 in business; industry; local, state, or federal government; or
25 the military service of the United States.

26 b. A person issued an initial administrator endorsement
27 for superintendents or area education agency administrators
28 under this subsection shall successfully complete a beginning
29 mentoring and induction program with a mentor who is a
30 superintendent or area education agency administrator, as
31 appropriate.

32 c. A person issued an initial administrator endorsement
33 for superintendents or area education agency administrators
34 pursuant to this subsection, who successfully completes three
35 years of experience as a superintendent or area education



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 agency administrator, may be issued a license beyond the
2 initial administrator endorsement.

3 7. Upon application, a person who holds an initial
4 administrator license issued pursuant to subsection 3, and who
5 has three years of successful experience as a principal, shall
6 be issued a professional administrator license.

7 Sec. 46. NEW SECTION. 256.125 Mentoring and induction
8 requirement.

9 1. Requirements for teacher licensure beyond an initial
10 license shall include successful completion of a beginning
11 teacher mentoring and induction program pursuant to section
12 284.5.

13 2. A teacher from another state or country is exempt from
14 the requirement of subsection 1 if the teacher can document
15 five years of successful teaching experience and meet or
16 exceed the requirements contained in rules adopted under this
17 subchapter for endorsement and licensure.

18 Sec. 47. Section 20.17, subsection 11, paragraph a, Code
19 2011, is amended to read as follows:

20 a. In the absence of an impasse agreement negotiated
21 pursuant to section 20.19 which provides for a different
22 completion date, public employees represented by a certified
23 employee organization who are teachers licensed under chapter
24 ~~272~~ 256 and who are employed by a public employer which is a
25 school district or area education agency shall complete the
26 negotiation of a proposed collective bargaining agreement
27 not later than May 31 of the year when the agreement is to
28 become effective. The board shall provide, by rule, a date on
29 which impasse items in such cases must be submitted to binding
30 arbitration and for such other procedures as deemed necessary
31 to provide for the completion of negotiations of proposed
32 collective bargaining agreements not later than May 31. The
33 date selected for the mandatory submission of impasse items
34 to binding arbitration in such cases shall be sufficiently in
35 advance of May 31 to ensure that the arbitrator's award can be

LSB 5398XL (18) 84

-46-

kh/rj

46/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 reasonably made by May 31.

2 Sec. 48. Section 20.19, subsection 1, Code 2011, is amended
3 to read as follows:

4 1. As the first step in the performance of their duty to
5 bargain, the public employer and the employee organization
6 shall endeavor to agree upon impasse procedures. Such
7 agreement shall provide for implementation of these impasse
8 procedures not later than one hundred twenty days prior to
9 the certified budget submission date of the public employer.
10 However, if public employees represented by the employee
11 organization are teachers licensed under chapter ~~272~~ 256, and
12 the public employer is a school district or area education
13 agency, the agreement shall provide for implementation of
14 impasse procedures not later than one hundred twenty days prior
15 to May 31 of the year when the collective bargaining agreement
16 is to become effective. If the public employer is a community
17 college, the agreement shall provide for implementation of
18 impasse procedures not later than one hundred twenty days prior
19 to May 31 of the year when the collective bargaining agreement
20 is to become effective. If the public employer is not subject
21 to the budget certification requirements of section 24.17 and
22 other applicable sections, the agreement shall provide for
23 implementation of impasse procedures not later than one hundred
24 twenty days prior to the date the next fiscal or budget year of
25 the public employer commences. If the parties fail to agree
26 upon impasse procedures under the provisions of this section,
27 the impasse procedures provided in sections 20.20 to 20.22
28 shall apply.

29 Sec. 49. Section 20.20, Code 2011, is amended to read as
30 follows:

31 **20.20 Mediation.**

32 In the absence of an impasse agreement negotiated pursuant
33 to section 20.19 or the failure of either party to utilize its
34 procedures, one hundred twenty days prior to the certified
35 budget submission date, or one hundred twenty days prior to

LSB 5398XL (18) 84

-47-

kh/rj

47/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 May 31 of the year when the collective bargaining agreement
2 is to become effective if public employees represented by the
3 employee organization are teachers licensed under chapter
4 ~~272~~ 256 and the public employer is a school district or
5 area education agency, the board shall, upon the request of
6 either party, appoint an impartial and disinterested person
7 to act as mediator. If the public employer is a community
8 college, and in the absence of an impasse agreement negotiated
9 pursuant to section 20.19 or the failure of either party to
10 utilize its procedures, one hundred twenty days prior to May
11 31 of the year when the collective bargaining agreement is to
12 become effective, the board, upon the request of either party,
13 shall appoint an impartial and disinterested person to act as
14 mediator. If the public employer is not subject to the budget
15 certification requirements of section 24.17 or other applicable
16 sections and in the absence of an impasse agreement negotiated
17 pursuant to section 20.19, or the failure of either party to
18 utilize its procedures, one hundred twenty days prior to the
19 date the next fiscal or budget year of the public employer
20 commences, the board, upon the request of either party, shall
21 appoint an impartial and disinterested person to act as a
22 mediator. It shall be the function of the mediator to bring
23 the parties together to effectuate a settlement of the dispute,
24 but the mediator may not compel the parties to agree.

25 Sec. 50. Section 232.69, subsection 1, paragraph b,
26 subparagraph (4), Code Supplement 2011, is amended to read as
27 follows:

28 (4) A licensed school employee, certified ~~para-educator~~
29 paraeducator, holder of a coaching authorization issued
30 under section ~~272.31~~ 256.117, or an instructor employed by a
31 community college.

32 Sec. 51. Section 232.69, subsection 3, paragraph a, Code
33 Supplement 2011, is amended to read as follows:

34 a. For the purposes of this subsection, "*licensing*
35 *board*" means a board designated in section 147.13, the ~~board~~

LSB 5398XL (18) 84

-48-

kh/rj

48/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~department of educational-examiners-created~~ education in
2 accordance with section 272.2 256.102, or a licensing board as
3 defined in section 272C.1.

4 Sec. 52. Section 235A.15, subsection 2, paragraph e,
5 subparagraph (9), Code Supplement 2011, is amended to read as
6 follows:

7 (9) To the department of education or the board of
8 educational examiners created under chapter 272 256 for
9 purposes of determining whether a license, certificate,
10 or authorization should be issued, denied, or revoked in
11 accordance with chapter 256.

12 Sec. 53. Section 235B.6, subsection 2, paragraph e,
13 subparagraph (13), Code Supplement 2011, is amended to read as
14 follows:

15 (13) To the department of education or the board of
16 educational examiners created under chapter 272 256 for
17 purposes of determining whether a license, certificate,
18 or authorization should be issued, denied, or revoked in
19 accordance with chapter 256.

20 Sec. 54. Section 235B.16, subsection 5, paragraph a, Code
21 2011, is amended to read as follows:

22 a. For the purposes of this subsection, "*licensing*
23 *board*" means a board designated in section 147.13, the ~~board~~
24 department of educational-examiners-created education as
25 provided in section 272.2 256.102, or a licensing board as
26 defined in section 272C.1.

27 Sec. 55. Section 256.7, subsections 5, 22, and 30, Code
28 Supplement 2011, are amended to read as follows:

29 5. Adopt rules under chapter 17A for carrying out the
30 responsibilities of the state board and of the department
31 pursuant to law.

32 22. Adopt rules and a procedure for the approval of
33 ~~para-educator~~ paraeducator preparation programs offered by
34 a public school district, area education agency, community
35 college, institution of higher education under the state board



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of regents, or an accredited private institution as defined
2 in section 261.9, subsection 1. The programs shall train
3 and recommend individuals for ~~para-educator~~ paraeducator
4 certification under section ~~272.12~~ 256.116.

5 30. Set standards and procedures for the approval of
6 training programs for individuals who seek an authorization
7 ~~issued by the board of educational examiners~~ under section
8 256.117 for employment the following:

9 a. Employment as a school business official responsible for
10 the financial operations of a school district.

11 b. Employment as a school administration manager responsible
12 for assisting a school principal in performing noninstructional
13 duties.

14 Sec. 56. Section 256.9, subsections 46 and 52, Code
15 Supplement 2011, are amended to read as follows:

16 46. Develop core knowledge and skill criteria, based
17 upon the Iowa teaching standards, for the evaluation, the
18 advancement, and for teacher career development purposes
19 pursuant to chapter 284. The criteria shall further define the
20 characteristics of quality teaching as established by the Iowa
21 teaching standards. The director, ~~in consultation with the~~
22 ~~board of educational examiners,~~ shall also develop a transition
23 plan for implementation of the career development standards
24 developed pursuant to section 256.7, subsection 25, with regard
25 to licensure renewal requirements. The plan shall include a
26 requirement that practitioners be allowed credit for career
27 development completed prior to implementation of the career
28 development standards developed pursuant to section 256.7,
29 subsection 25.

30 52. Establish and maintain a process and a procedure, ~~in~~
31 ~~cooperation with the board of educational examiners,~~ to compare
32 a practitioner's teaching assignment with the license and
33 endorsements held by the practitioner. The director may report
34 noncompliance issues identified by this process to the board
35 of educational examiners pursuant to section ~~272.15~~ 256.106,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 subsection 3.

2 Sec. 57. Section 256.11, subsections 9, 9A, and 9B, Code
3 2011, are amended to read as follows:

4 9. Beginning July 1, ~~2006~~ 2012, each school district shall
5 have a qualified teacher librarian who shall be licensed by
6 ~~the board of educational examiners~~ under this chapter ~~272~~.

7 The state board shall establish in rule a definition of and
8 standards for an articulated sequential kindergarten through
9 grade twelve media program. ~~A school district that entered~~
10 ~~into a contract with an individual for employment as a media~~
11 ~~specialist or librarian prior to June 1, 2006, shall be~~
12 ~~considered to be in compliance with this subsection until June~~
13 ~~30, 2011, if the individual is making annual progress toward~~
14 ~~meeting the requirements for a teacher librarian endorsement~~
15 ~~issued by the board of educational examiners under chapter~~
16 ~~272.~~ A school district that entered into a contract with an
17 individual for employment as a media specialist or librarian
18 who holds at least a master's degree in library and information
19 studies shall be considered to be in compliance with this
20 subsection until the individual leaves the employ of the school
21 district.

22 9A. Beginning July 1, ~~2007~~ 2012, each school district shall
23 have a qualified guidance counselor who shall be licensed by
24 ~~the board of educational examiners~~ under this chapter ~~272~~.

25 Each school district shall work toward the goal of having one
26 qualified guidance counselor for every three hundred fifty
27 students enrolled in the school district. The state board
28 shall establish in rule a definition of and standards for
29 an articulated sequential kindergarten through grade twelve
30 guidance and counseling program.

31 9B. Beginning July 1, ~~2007~~ 2012, each school district shall
32 have a school nurse to provide health services to its students.
33 Each school district shall work toward the goal of having one
34 school nurse for every seven hundred fifty students enrolled in
35 the school district. For purposes of this subsection, *school*

LSB 5398XL (18) 84

-51-

kh/rj

51/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 *nurse* means a person who holds an endorsement or a statement of
2 professional recognition for school nurses issued ~~by the board~~
3 ~~of educational examiners~~ under this chapter 272.

4 Sec. 58. Section 256.36, subsection 3, Code 2011, is amended
5 to read as follows:

6 3. The ~~board of educational examiners~~ department may
7 develop recommendations for specific changes in the licensing
8 requirements for math and science teachers.

9 Sec. 59. Section 256.44, subsection 1, unnumbered paragraph
10 1, Code 2011, is amended to read as follows:

11 A national board certification pilot project is established
12 to be administered by the department of education. A teacher,
13 as defined in section ~~272.1~~ 256.100, who registers for or
14 achieves national board for professional teaching standards
15 certification, and who is employed by a school district in Iowa
16 and receiving a salary as a classroom teacher, may be eligible
17 for the following:

18 Sec. 60. Section 256C.3, subsection 2, paragraph a,
19 subparagraph (2), Code 2011, is amended to read as follows:

20 (2) The individual is appropriately licensed under chapter
21 ~~272~~ 256 and meets requirements under chapter 284.

22 Sec. 61. Section 256F.7, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. A charter school or the boards participating in an
25 innovation zone consortium shall employ or contract with
26 necessary teachers and administrators, as defined in section
27 ~~272.1~~ 256.100, who hold a valid license with an endorsement for
28 the type of service for which the teacher or administrator is
29 employed.

30 Sec. 62. Section 258.4, subsection 5, Code 2011, is amended
31 to read as follows:

32 5. Make recommendations to the state ~~board of educational~~
33 ~~examiners of education~~ relating to the enforcement of rules
34 prescribing standards for teachers of subjects listed in
35 subsection 2 in accredited schools, departments, and classes.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Sec. 63. Section 258.5, unnumbered paragraph 1, Code 2011,
2 is amended to read as follows:

3 If a school corporation maintains an approved vocational
4 school, department, or classes in accordance with the rules
5 adopted by the state board, ~~and rules and standards adopted~~
6 ~~by the board of educational examiners of education,~~ and the
7 state plan for vocational education, adopted by the board
8 for vocational education and approved by the United States
9 department of education, the director of the department of
10 education shall reimburse the school corporation at the end
11 of the fiscal year for its expenditures for salaries and
12 authorized travel of vocational teachers from federal and state
13 funds. However, a school corporation shall not receive from
14 federal and state funds a larger amount than one-half the sum
15 which has been expended by the school corporation for that
16 particular type of program. If federal and state funds are not
17 sufficient to make the reimbursement to the extent provided in
18 this section, the director shall prorate the respective amounts
19 available to the corporations entitled to reimbursement.

20 Sec. 64. Section 261.111, subsection 8, Code 2011, is
21 amended to read as follows:

22 8. For purposes of this section, unless the context
23 otherwise requires, "*teacher*" means the same as defined in
24 section ~~272.1~~ 256.100.

25 Sec. 65. Section 261.112, subsection 1, Code Supplement
26 2011, is amended to read as follows:

27 1. A teacher shortage loan forgiveness program is
28 established to be administered by the commission. A teacher
29 is eligible for the program if the teacher is practicing in
30 a teacher shortage area as designated by the department of
31 education pursuant to subsection 2. For purposes of this
32 section, "*teacher*" means an individual holding a practitioner's
33 license issued under chapter ~~272~~ 256, who is employed in a
34 nonadministrative position in a designated shortage area by a
35 school district or area education agency pursuant to a contract

LSB 5398XL (18) 84

-53-

kh/rj

53/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 issued by a board of directors under section 279.13.

2 Sec. 66. Section 261E.3, subsection 2, paragraph a,
3 subparagraph (6), Code Supplement 2011, is amended to read as
4 follows:

5 (6) If the instruction for any program authorized by
6 this chapter is provided at a school district facility or a
7 neutral site, the teacher or instructor shall have successfully
8 passed a background investigation conducted in accordance with
9 section ~~272.2~~ 256.102, subsection ~~17~~ 7, prior to providing such
10 instruction. For purposes of this section, "*neutral site*" means
11 a facility that is not owned or operated by an institution.

12 Sec. 67. Section 261E.3, subsection 2, paragraph e, Code
13 Supplement 2011, is amended to read as follows:

14 e. An individual under suspension or revocation of an
15 educational license or statement of professional recognition
16 issued ~~by the board of educational examiners~~ under chapter 256
17 shall not be allowed to provide instruction for any program
18 authorized by this chapter.

19 Sec. 68. Section 261E.4, subsection 3, Code 2011, is amended
20 to read as follows:

21 3. A school district shall ensure that advanced placement
22 course teachers or instructors are appropriately licensed ~~by~~
23 ~~the board of educational examiners~~ in accordance with chapter
24 ~~272~~ 256 and meet the minimum certification requirements of the
25 national organization that administers the advanced placement
26 program.

27 Sec. 69. Section 262.9, subsection 2, Code Supplement 2011,
28 is amended to read as follows:

29 2. Elect a president of each of the institutions of higher
30 learning; a superintendent of each of the other institutions;
31 a treasurer and a secretarial officer for each institution
32 annually; professors, instructors, officers, and employees;
33 and fix their compensation. Sections 279.12 through 279.19
34 and section 279.27 apply to employees of the Iowa braille and
35 sight saving school and the state school for the deaf, who



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 are licensed pursuant to chapter ~~272~~ 256. In following those
2 sections in chapter 279, the references to boards of directors
3 of school districts shall be interpreted to apply to the board
4 of regents.

5 Sec. 70. Section 263.1, Code Supplement 2011, is amended to
6 read as follows:

7 **263.1 Objects — departments.**

8 The university of Iowa shall never be under the control of
9 any religious denomination. Its object shall be to provide the
10 best and most efficient means of imparting to men and women,
11 upon equal terms, a liberal education and thorough knowledge of
12 the different branches of literature and the arts and sciences,
13 with their varied applications. It shall include colleges
14 of liberal arts, law, medicine, and such other colleges and
15 departments, with such courses of instruction and elective
16 studies as the state board of regents may determine from time
17 to time. If a practitioner preparation program as defined in
18 section ~~272.1~~ 256.100 is established by the board, it shall
19 include the subject of physical education. Instruction in the
20 liberal arts college shall begin, so far as practicable, at the
21 points where the same is completed in high schools.

22 Sec. 71. Section 266.2, Code Supplement 2011, is amended to
23 read as follows:

24 **266.2 Courses of study.**

25 There shall be adopted and taught at said university of
26 science and technology practical courses of study, embracing
27 in their leading branches such as relate to agriculture and
28 mechanic arts, mines and mining, and ceramics, and such other
29 branches as are best calculated to educate thoroughly the
30 agricultural and industrial classes in the several pursuits
31 and professions of life, including military tactics. If a
32 practitioner preparation program as defined in section ~~272.1~~
33 256.100 is established, it shall include the subject of
34 physical education.

35 Sec. 72. Section 272A.2, Code 2011, is amended to read as



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 follows:

2 **272A.2 Designated state official.**

3 The designated state official for this state, within the
4 meaning of section 272A.1, article II, paragraph "b", of the
5 interstate agreement on qualification of educational personnel,
6 shall be the ~~executive director of the board of educational~~
7 ~~examiners~~ administrator of the division of licensing and
8 educator effectiveness of the department of education. The
9 ~~executive director~~ division administrator shall enter into
10 contracts pursuant to section 272A.1, article III, of the
11 agreement only with the approval of the specific text thereof
12 by the state board of ~~educational-examiners~~ education.

13 Sec. 73. Section 272A.3, Code 2011, is amended to read as
14 follows:

15 **272A.3 Contracts on file.**

16 True copies of all contracts made on behalf of this state
17 pursuant to the interstate agreement on qualification of
18 educational personnel shall be kept on file by the state board
19 of ~~educational-examiners~~ education and in the office of the
20 secretary of state. The state board of ~~educational-examiners~~
21 education shall publish all such contracts in convenient form.
22 The state board of ~~educational-examiners~~ education may adopt
23 rules pursuant to this chapter.

24 Sec. 74. Section 273.3, subsections 5 and 11, Code
25 Supplement 2011, are amended to read as follows:

26 5. Be authorized, subject to rules of the state board of
27 education, to provide directly or by contractual arrangement
28 with public or private agencies for special education programs
29 and services, media services, and educational programs and
30 services requested by the local boards of education as provided
31 in this chapter, including but not limited to contracts for
32 the area education agency to provide programs or services to
33 the local school districts and contracts for local school
34 districts, other educational agencies, and public and private
35 agencies to provide programs and services to the local school

LSB 5398XL (18) 84

-56-

kh/rj

56/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 districts in the area education agency in lieu of the area
2 education agency providing the services. Contracts may be made
3 with public or private agencies located outside the state if
4 the programs and services comply with the rules of the state
5 board. ~~Rules adopted by the state board of education shall~~
6 ~~be consistent with rules, adopted by the board of educational~~
7 ~~examiners, relating to licensing of practitioners.~~

8 11. Employ personnel to carry out the functions of the
9 area education agency which shall include the employment of an
10 administrator who shall possess a license issued under chapter
11 ~~272~~ 256. The administrator shall be employed pursuant to
12 section 279.20 and sections 279.23, 279.24, and 279.25. The
13 salary for an area education agency administrator shall be
14 established by the board based upon the previous experience and
15 education of the administrator. Section 279.13 applies to the
16 area education agency board and to all teachers employed by the
17 area education agency. Sections 279.23, 279.24, and 279.25
18 apply to the area education board and to all administrators
19 employed by the area education agency.

20 Sec. 75. Section 279.13, subsection 1, paragraph b,
21 subparagraph (1), Code 2011, is amended to read as follows:

22 (1) Prior to entering into an initial contract with a
23 teacher who holds a license other than an initial license
24 ~~issued by the board of educational examiners~~ under chapter
25 ~~272~~ 256, the school district shall initiate a state criminal
26 history record check of the applicant through the division of
27 criminal investigation of the department of public safety,
28 submit the applicant's fingerprints to the division for
29 submission to the federal bureau of investigation for a
30 national criminal history record check, and review the sex
31 offender registry information under section 692A.121 available
32 to the general public, the central registry for child abuse
33 information established under section 235A.14, and the central
34 registry for dependent adult abuse information established
35 under section 235B.5 for information regarding the applicant

LSB 5398XL (18) 84

-57-

kh/rj

57/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 for employment as a teacher.

2 Sec. 76. Section 279.19B, subsection 1, paragraph a,
3 unnumbered paragraph 1, Code 2011, is amended to read as
4 follows:

5 The board of directors of a school district may employ for
6 head coach of any interscholastic athletic activities or for
7 assistant coach of any interscholastic athletic activity, an
8 individual who possesses a coaching authorization issued ~~by the~~
9 ~~board of educational examiners pursuant to chapter 256 or who~~
10 possesses a teaching license with a coaching endorsement issued
11 pursuant to chapter ~~272~~ 256. However, a board of directors of
12 a school district shall consider applicants with qualifications
13 described below, in the following order of priority:

14 Sec. 77. Section 279.19B, subsection 1, paragraph a,
15 subparagraph (2), Code 2011, is amended to read as follows:

16 (2) A qualified individual who possesses a coaching
17 authorization issued ~~by the board of educational examiners~~
18 under chapter 256.

19 Sec. 78. Section 279.24, subsection 5, paragraph c, Code
20 2011, is amended to read as follows:

21 c. Within five days after receipt of the written notice
22 that the school board has voted to consider termination of
23 the contract, the administrator may request in writing to
24 the secretary of the school board that the notification be
25 forwarded to the state board of educational examiners education
26 along with a request that the state board of educational
27 ~~examiners~~ submit a list of five qualified administrative law
28 judges to the parties. Within three days from receipt of the
29 list the parties shall select an administrative law judge
30 by alternately removing a name from the list until only one
31 name remains. The person whose name remains shall be the
32 administrative law judge. The parties shall determine by lot
33 which party shall remove the first name from the list. The
34 hearing shall be held no sooner than ten days and not later
35 than thirty days following the administrator's request unless



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the parties otherwise agree. If the administrator does not
2 request a hearing, the school board, not later than May 31, may
3 determine the continuance or discontinuance of the contract
4 and, if the board determines to continue the administrator's
5 contract, whether to suspend the administrator with or without
6 pay for a period specified by the board. School board action
7 shall be by majority roll call vote entered on the minutes of
8 the meeting. Notice of school board action shall be personally
9 delivered or mailed to the administrator.

10 Sec. 79. Section 279.43, Code 2011, is amended to read as
11 follows:

12 **279.43 Reporting inappropriate teaching assignments.**

13 An employee licensed by the board of educational examiners
14 under chapter 256 and holding a contract as described in
15 section 279.13 shall disclose any occurrence of a teaching
16 assignment for which that employee is not properly licensed
17 to the school official responsible for determining teaching
18 assignments. Failure of the employee to disclose this
19 occurrence or failure of the school official responsible
20 for determining teaching assignments to make appropriate
21 adjustments to the employee's teaching assignment once
22 the employee discloses the occurrence shall constitute an
23 incident of misconduct as provided in section ~~272.2~~ 256.101,
24 subsection ~~14~~ 9, and is actionable by the board. If the
25 school official fails to make appropriate adjustments to the
26 teaching assignment once disclosure by the employee is made,
27 the employee shall report this occurrence to the department or
28 to the board for further action.

29 Sec. 80. Section 279.49, subsection 3, Code 2011, is amended
30 to read as follows:

31 3. The person employed to be responsible for a program
32 operated or contracted by a board that is not licensed by the
33 department of human services shall be an appropriately licensed
34 teacher under chapter ~~272~~ 256 or shall meet other standards
35 adopted by the state board of education.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Sec. 81. Section 280.17, subsection 2, paragraph b, Code
2 Supplement 2011, is amended to read as follows:

3 **b.** If the results of an investigation of abuse of a
4 student by a school employee who holds a license, certificate,
5 authorization, or statement of professional recognition
6 ~~issued by the board of educational examiners under chapter 256~~
7 finds that the school employee's conduct constitutes a crime
8 under any other statute, the board or the authorities, as
9 appropriate, shall report the results of the investigation to
10 the board of educational examiners pursuant to chapter 256.

11 Sec. 82. Section 282.3, subsection 2, paragraph a, Code
12 2011, is amended to read as follows:

13 **a.** A child under the age of six years on the fifteenth of
14 September of the current school year shall not be admitted to a
15 public school unless the board of directors of the school has
16 adopted and put into effect courses of study for the school
17 year immediately preceding the first grade, approved by the
18 department of education, and has employed a practitioner or
19 practitioners for this work with standards of training approved
20 by the state board of educational examiners education pursuant
21 to chapter 256.

22 Sec. 83. Section 284.2, subsections 1, 7, and 11, Code 2011,
23 are amended to read as follows:

24 1. "*Beginning teacher*" means an individual serving under an
25 initial or intern license, issued by the ~~board of educational~~
26 ~~examiners under~~ department pursuant to chapter 272 256, who
27 is assuming a position as a teacher. For purposes of the
28 beginning teacher mentoring and induction program created
29 pursuant to section 284.5, "*beginning teacher*" also includes
30 preschool teachers who are licensed ~~by the board of educational~~
31 ~~examiners~~ under chapter 272 256 and are employed by a school
32 district or area education agency. "*Beginning teacher*" does
33 not include a teacher whose employment with a school district
34 or area education agency is probationary unless the teacher is
35 serving under an initial or teacher intern license issued ~~by~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~the board of educational examiners~~ under chapter ~~272~~ 256.

2 7. "*Mentor*" means an individual employed by a school
3 district or area education agency as a teacher or a retired
4 teacher who holds a valid license issued under chapter ~~272~~ 256.
5 The individual must have a record of four years of successful
6 teaching practice, must be employed on a nonprobationary
7 basis, and must demonstrate professional commitment to both
8 the improvement of teaching and learning and the development
9 of beginning teachers.

10 11. "*Teacher*" means an individual who holds a practitioner's
11 license issued under chapter ~~272~~ 256, or a statement of
12 professional recognition issued under chapter ~~272~~ 256 who is
13 employed in a nonadministrative position by a school district
14 or area education agency pursuant to a contract issued by a
15 board of directors under section 279.13. A teacher may be
16 employed in both an administrative and a nonadministrative
17 position by a board of directors and shall be considered a
18 part-time teacher for the portion of time that the teacher is
19 employed in a nonadministrative position.

20 Sec. 84. Section 284.5, subsection 6, Code 2011, is amended
21 to read as follows:

22 6. Upon completion of the program, the beginning teacher
23 shall be comprehensively evaluated to determine if the teacher
24 meets expectations to move to the career level. The school
25 district or area education agency that employs the beginning
26 teacher shall recommend for a standard license a beginning
27 teacher who is determined through a comprehensive evaluation
28 to demonstrate competence in the Iowa teaching standards. A
29 school district or area education agency may offer a beginning
30 teacher a third year of participation in the program if, after
31 conducting a comprehensive evaluation, the school district
32 determines that the teacher is likely to successfully complete
33 the mentoring and induction program by the end of the third
34 year of eligibility. A teacher granted a third year of
35 eligibility shall develop a teacher's mentoring and induction

LSB 5398XL (18) 84

-61-

kh/rj

61/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 program plan in accordance with this chapter and shall undergo
2 a comprehensive evaluation at the end of the third year.
3 ~~The board of educational examiners~~ department shall grant a
4 one-year extension of the beginning teacher's initial license
5 upon notification by the school district that the teacher will
6 participate in a third year of the school district's program.

7 Sec. 85. Section 284.7, subsection 1, paragraph a,
8 subparagraph (1), subparagraph divisions (a) and (b), Code
9 2011, are amended to read as follows:

10 (a) Has successfully completed an approved practitioner
11 preparation program as defined in section ~~272.1~~ 256.100
12 or holds an intern teacher license issued ~~by the board of~~
13 ~~educational examiners~~ under chapter ~~272~~ 256.

14 (b) Holds an initial or intern teacher license issued ~~by the~~
15 ~~board of educational examiners~~ under chapter 256.

16 Sec. 86. Section 284.7, subsection 1, paragraph b,
17 subparagraph (1), unnumbered paragraph 1, Code 2011, is amended
18 to read as follows:

19 A career teacher is a teacher who holds a statement of
20 professional recognition issued ~~by the board of educational~~
21 ~~examiners~~ under chapter ~~272~~ 256 or who meets the following
22 requirements:

23 Sec. 87. Section 284.7, subsection 1, paragraph b,
24 subparagraph (1), subparagraph division (c), Code 2011, is
25 amended to read as follows:

26 (c) Holds a valid license issued ~~by the board of educational~~
27 ~~examiners~~ under chapter 256.

28 Sec. 88. Section 284.7, subsection 2, paragraph b,
29 subparagraph (1), subparagraph division (b), Code 2011, is
30 amended to read as follows:

31 (b) Holds a valid license ~~from the board of educational~~
32 ~~examiners~~ issued under chapter 256.

33 Sec. 89. Section 284.7, subsection 2, paragraph b,
34 subparagraph (2), Code 2011, is amended to read as follows:

35 (2) It is the intent of the general assembly that the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 participating district shall establish a minimum salary for
2 an advanced teacher that is at least thirteen thousand five
3 hundred dollars greater than the minimum career teacher
4 salary. ~~In conjunction with the development of the review~~
5 ~~panel pursuant to section 284.9, the department shall make~~
6 ~~recommendations to the general assembly by January 1, 2002,~~
7 ~~regarding the appropriate district-to-district recognition for~~
8 ~~advanced teachers and methods that facilitate the transition of~~
9 ~~a teacher to the advanced level.~~

10 Sec. 90. Section 284.9, subsection 1, Code 2011, is amended
11 to read as follows:

12 1. A career II teacher seeking to receive an advanced
13 designation shall submit a portfolio of work evidence aligned
14 with the Iowa teaching standards to a review panel established
15 in accordance with subsection 2. A majority of the evidence in
16 the portfolio shall be classroom-based. The review panel shall
17 evaluate the career II teacher's portfolio to determine whether
18 the teacher demonstrates superior teaching skills and shall
19 make a recommendation to the ~~board of educational examiners~~
20 department whether or not the teacher shall receive an advanced
21 designation. The standards for recommendation include, but
22 are not limited to, meeting the Iowa teaching standards at an
23 advanced level.

24 Sec. 91. Section 284.10, subsections 2 and 4, Code 2011, are
25 amended to read as follows:

26 2. An administrator licensed under chapter ~~272~~ 256 who
27 conducts evaluations of teachers for purposes of this chapter
28 shall complete the evaluator training program. A practitioner
29 licensed under chapter ~~272~~ 256 who is not an administrator
30 may enroll in the evaluator training program. Enrollment
31 preference shall be given to administrators. Upon successful
32 completion, the provider shall certify that the administrator
33 or other practitioner is qualified to conduct evaluations
34 for employment, make recommendations for licensure, and make
35 recommendations that a teacher is qualified to advance from one

LSB 5398XL (18) 84

-63-

kh/rj

63/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 career path level to the next career path level pursuant to
2 this chapter. Certification is for a period of five years and
3 may be renewed.

4 4. The state board of ~~educational examiners~~ shall require
5 certification as a condition of issuing or renewing an
6 administrator's license under chapter 256.

7 Sec. 92. Section 284A.2, subsections 1, 2, and 7, Code 2011,
8 are amended to read as follows:

9 1. "*Administrator*" means an individual holding a
10 professional administrator license issued under chapter
11 ~~272~~ 256 who is employed in a school district administrative
12 position by a school district or area education agency
13 pursuant to a contract issued by a board of directors under
14 section 279.23 and is engaged in instructional leadership.
15 An administrator may be employed in both an administrative
16 and a nonadministrative position by a board of directors and
17 shall be considered a part-time administrator for the portion
18 of time that the individual is employed in an administrative
19 position. "*Administrator*" does not include assistant principals
20 or assistant superintendents.

21 2. "*Beginning administrator*" means an individual serving
22 under an administrator license, issued ~~by the board of~~
23 ~~educational examiners~~ under chapter ~~272~~ 256, who is assuming a
24 position as a school district principal or superintendent for
25 the first time.

26 7. "*Mentor*" means an individual employed by a school
27 district or area education agency as a school district
28 administrator or a retired administrator who holds a valid
29 license issued under chapter ~~272~~ 256. The individual must have
30 a record of four years of successful administrative experience
31 and must demonstrate professional commitment to both the
32 improvement of teaching and learning and the development of
33 beginning administrators.

34 Sec. 93. Section 284A.5, subsection 5, Code 2011, is amended
35 to read as follows:

LSB 5398XL (18) 84

-64-

kh/rj

64/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 5. By the end of a beginning administrator's first year of
2 employment, the beginning administrator may be comprehensively
3 evaluated to determine if the administrator meets expectations
4 to move to a professional administrator license, where
5 appropriate. The school district or area education agency that
6 employs a beginning administrator shall recommend the beginning
7 administrator for a professional administrator license, where
8 appropriate, if the beginning administrator is determined
9 through a comprehensive evaluation to demonstrate competence in
10 the Iowa standards for school administrators adopted pursuant
11 to section 256.7, subsection 27. A school district or area
12 education agency may allow a beginning administrator a second
13 year to demonstrate competence in the Iowa standards for school
14 administrators if, after conducting a comprehensive evaluation,
15 the school district or area education agency determines
16 that the administrator is likely to successfully demonstrate
17 competence in the Iowa standards for school administrators by
18 the end of the second year. Upon notification by the school
19 district or area education agency, the ~~board of educational~~
20 ~~examiners~~ department shall grant a beginning administrator
21 who has been allowed a second year to demonstrate competence
22 a one-year extension of the beginning administrator's initial
23 license. An administrator granted a second year to demonstrate
24 competence shall undergo a comprehensive evaluation at the end
25 of the second year.

26 Sec. 94. Section 284A.6, subsection 2, Code 2011, is amended
27 to read as follows:

28 2. In cooperation with the administrator's evaluator, the
29 administrator who has a professional administrator license
30 issued ~~by the board of educational examiners~~ pursuant to
31 chapter ~~272~~ 256 and is employed by a school district or
32 area education agency in a school district administrative
33 position shall develop an individual administrator professional
34 development plan. The purpose of the plan is to promote
35 individual and group professional development. The individual

LSB 5398XL (18) 84

-65-

kh/rj

65/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 plan shall be based, at a minimum, on the needs of the
2 administrator, the Iowa standards for school administrators
3 adopted pursuant to section 256.7, subsection 27, and the
4 student achievement goals of the attendance center and the
5 school district as outlined in the comprehensive school
6 improvement plan.

7 Sec. 95. Section 284A.7, Code 2011, is amended to read as
8 follows:

9 **284A.7 Evaluation requirements for administrators.**

10 A school district shall conduct an evaluation of an
11 administrator who holds a professional administrator license
12 issued under chapter ~~272~~ 256 at least once every three
13 years for purposes of assisting the administrator in making
14 continuous improvement, documenting continued competence in
15 the Iowa standards for school administrators adopted pursuant
16 to section 256.7, subsection 27, or to determine whether the
17 administrator's practice meets school district expectations.
18 The review shall include, at a minimum, an assessment of the
19 administrator's competence in meeting the Iowa standards for
20 school administrators and the goals of the administrator's
21 individual professional development plan, including supporting
22 documentation or artifacts aligned to the Iowa standards for
23 school administrators and the individual administrator's
24 professional development plan.

25 Sec. 96. Section 294.3, Code 2011, is amended to read as
26 follows:

27 **294.3 State aid and tuition.**

28 A school shall not be deprived of its right to be approved
29 for state aid or approved for tuition by reason of the
30 employment of any practitioner as authorized under section
31 ~~272.9~~ 256.113.

32 Sec. 97. Section 299A.2, Code Supplement 2011, is amended
33 to read as follows:

34 **299A.2 Competent private instruction by licensed**
35 **practitioner.**



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 If a licensed practitioner provides competent instruction
2 to a school-age child, the practitioner shall possess a valid
3 license or certificate which has been issued ~~by the state board~~
4 ~~of educational examiners~~ under chapter ~~272~~ 256 and which is
5 appropriate to the ages and grade levels of the children to
6 be taught. Competent private instruction may include but is
7 not limited to a home school assistance program which provides
8 instruction or instructional supervision offered through an
9 accredited nonpublic school or public school district by a
10 teacher, who is employed by the accredited nonpublic school or
11 public school district, who assists and supervises a parent,
12 guardian, or legal custodian in providing instruction to a
13 child. If competent private instruction is provided through
14 a public school district, the child shall be enrolled and
15 included in the basic enrollment of the school district as
16 provided in section 257.6. Sections 299A.3 through 299A.7
17 do not apply to competent private instruction provided by
18 a licensed practitioner under this section. However, the
19 reporting requirement contained in section 299A.3, subsection
20 1, shall apply to competent private instruction provided by
21 licensed practitioners that is not part of a home school
22 assistance program offered through an accredited nonpublic
23 school or public school district.

24 Sec. 98. Section 321.178, subsection 1, paragraph b,
25 subparagraph (2), Code Supplement 2011, is amended to read as
26 follows:

27 (2) (a) To be qualified to provide street or highway
28 driving instruction, a person shall be certified by the
29 department and authorized by the ~~board~~ department of
30 ~~educational examiners~~ education. A person shall not be
31 required to hold a current Iowa teacher or administrator
32 license at the elementary or secondary level or to have
33 satisfied the educational requirements for an Iowa teacher
34 license at the elementary or secondary level in order to
35 be certified by the department or authorized by the ~~board~~

LSB 5398XL (18) 84

-67-

kh/rj

67/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~department~~ of ~~educational-examiners~~ education to provide street
2 or highway driving instruction.

3 (b) The department shall adopt rules pursuant to chapter
4 17A to provide for certification of persons qualified to
5 provide street or highway driving instruction. The state
6 board of ~~educational-examiners~~ education shall adopt rules
7 pursuant to chapter 17A to provide for authorization of
8 persons certified by the department to provide street or
9 highway driving instruction. The department may disqualify a
10 person from providing street or highway driving instruction
11 without concurrent or further action by the ~~board~~ department
12 of ~~educational-examiners~~ education, and the ~~board~~ department
13 of ~~educational-examiners~~ education may withhold or withdraw
14 authorization to provide street or highway driving instruction
15 without concurrent or further action by the department.

16 Sec. 99. Section 321.178, subsection 1, paragraph b,
17 subparagraph (3), unnumbered paragraph 1, Code Supplement 2011,
18 is amended to read as follows:

19 The department shall not disqualify a person from providing
20 street or highway driving instruction and neither the board of
21 educational examiners nor the department of education shall ~~not~~
22 withhold or withdraw authorization to provide street or highway
23 instruction for the sole reason that the person was involved
24 in a motor vehicle accident, unless either of the following
25 circumstances exist:

26 Sec. 100. Section 622.10, subsection 8, Code Supplement
27 2011, is amended to read as follows:

28 8. A qualified school guidance counselor, who is licensed
29 ~~by the board of educational-examiners~~ under chapter ~~272~~ 256
30 and who obtains information by reason of the counselor's
31 employment as a qualified school guidance counselor, shall not
32 be allowed, in giving testimony, to disclose any confidential
33 communications properly entrusted to the counselor by a pupil
34 or the pupil's parent or guardian in the counselor's capacity
35 as a qualified school guidance counselor and necessary and

LSB 5398XL (18) 84

-68-

kh/rj

68/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 proper to enable the counselor to perform the counselor's
2 duties as a qualified school guidance counselor.

3 Sec. 101. Section 709.15, subsection 1, paragraph f, Code
4 2011, is amended to read as follows:

5 f. "*School employee*" means a practitioner as defined in
6 section ~~272.1~~ 256.100.

7 Sec. 102. REPEAL. Section 256.16, Code 2011, is repealed.

8 Sec. 103. REPEAL. Chapter 272, Code and Code Supplement
9 2011, is repealed.

10 Sec. 104. TRANSITION PROVISIONS.

11 1. A license, certificate, authorization, or statement of
12 professional recognition issued prior to the effective date of
13 this division of this Act is valid until the expiration date
14 established on the license, certificate, authorization, or
15 statement of professional recognition.

16 2. Any rule, regulation, form, order, or directive
17 promulgated by the board of educational examiners as required
18 to administer and enforce the provisions of chapter 272, Code
19 and Code Supplement 2011, shall continue in full force and
20 effect until amended, repealed, or supplemented by affirmative
21 action of the state board of education.

22 3. An administrative hearing or court proceeding arising
23 out of an enforcement action under chapter 272 pending on
24 the effective date of this division of this Act shall not
25 be affected due to this division of this Act. Any cause of
26 action or statute of limitation relating to an action taken by
27 the board of educational examiners shall not be affected as a
28 result of this division of this Act and such cause or statute
29 of limitation shall apply to the state board of education, the
30 director of the department of education, and the department of
31 education, as applicable.

32 4. a. All employees of the board of educational examiners
33 shall be considered employees of the department of education
34 on the effective date of this division of this Act without
35 incurring any loss in salary, benefits, or accrued years of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 service.

2 b. If an employee of the department is an employee covered
3 under the collective bargaining provisions of chapter 20, that
4 employee shall also be covered under chapter 20 upon employment
5 with the department of education.

6 c. All employees of the board transitioning employment to
7 the department pursuant to this subsection shall be considered
8 employees for purposes of chapter 97B.

9 d. Notwithstanding any provisions to the contrary in
10 chapter 68B or in this division of this Act, and subject to the
11 approval of the director of the department of education, the
12 department may employ not more than two individuals who were
13 employed by the board.

14 5. Any replacement of signs, logos, stationery, insignia,
15 uniforms, and related items that is made due to the effect of
16 this division of this Act shall be done as part of the normal
17 replacement cycle for such items.

18 6. The board of educational examiners shall assist the
19 department of education in implementing this division of this
20 Act by providing for an effective transition of powers and
21 duties from one agency to another under chapters 256 and 272
22 and related administrative rules. To the extent requested by
23 the department of education, such assistance shall include
24 but is not limited to assisting in cooperating with federal
25 agencies such as the United States department of education.

26 7. Any moneys remaining in any account or fund under
27 the control of the board of educational examiners on the
28 effective date of this division of this Act and relating to the
29 provisions of this division of this Act shall be transferred
30 to a comparable fund or account under the control of the
31 department of education for such purposes. Notwithstanding
32 section 8.33, the moneys transferred in accordance with this
33 subsection shall not revert to the account or fund from which
34 appropriated or transferred.

35 8. Any license, permit, or contract issued or entered



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 into by the board of educational examiners relating to the
2 provisions of this division of this Act in effect on the
3 effective date of this division of this Act shall continue
4 in full force and effect pending transfer of such licenses,
5 permits, or contracts to the department of education.

6 9. Federal funds utilized by the executive director of the
7 board of educational examiners prior to the effective date of
8 this division of this Act to employ personnel necessary for the
9 administration of the board's programs shall be applied to and
10 be available for the transfer of such personnel from the board
11 office to the department of education.

12 10. The initial board of educational examiners created
13 within the department of education shall consist of the members
14 of the board of educational examiners appointed in accordance
15 with section 272.3, Code 2011, serving on the effective date
16 of this division of this Act. Said board members shall serve
17 as members and fulfill the duties of the board of educational
18 examiners as created by this division of this Act until such
19 time as members of the board are appointed as provided by
20 section 256.104 as enacted by this division of this Act.

21 DIVISION XI

22 SCHOOL INSTRUCTIONAL TIME TASK FORCE

23 Sec. 105. SCHOOL INSTRUCTIONAL TIME TASK FORCE.

24 1. The director of the department of education shall
25 appoint a school instructional time task force comprised of at
26 least seven members to conduct a study regarding the minimum
27 requirements of the school day and the school year. The study
28 shall include but not be limited to an examination of the
29 following:

30 a. Whether the minimum length of an instructional day should
31 be extended and, if so, whether the instructional day should be
32 extended for all students or for specific groups of students.

33 b. Whether the minimum number of instructional days or
34 hours in a school year should be increased and, if so, whether
35 the minimum number of days or hours in a school year should be

LSB 5398XL (18) 84

-71-

kh/rj

71/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 increased for all students or for specific groups of students.

2 c. Whether the minimum number of instructional days or hours
3 should be rearranged to result in a shorter summer break, with
4 other days or weeks off throughout the school year.

5 d. Whether the minimum school year should be defined by a
6 number of days or by a number of instructional hours.

7 e. Whether there should be a uniform, statewide start date
8 for the school year that can only be waived for the purpose of
9 implementing an innovative educational program.

10 f. Whether resources necessary to extend the minimum length
11 of an instructional day or the minimum length of a school year
12 are justified when compared to competing education priorities.

13 2. The appointment of members to the task force shall
14 be made in a manner which provides geographical area
15 representation and complies with sections 69.16, 69.16A, and
16 69.16C.

17 3. The task force shall submit its findings and
18 recommendations in a report to the state board of education,
19 the governor, and the general assembly by October 15, 2012.

20 DIVISION XII

21 ASSESSMENTS

22 Sec. 106. Section 256.7, subsection 21, paragraphs a and c,
23 Code Supplement 2011, are amended to read as follows:

24 a. Requirements that all school districts and accredited
25 nonpublic schools develop, implement, and file with the
26 department a comprehensive school improvement plan that
27 includes, but is not limited to, demonstrated school, parental,
28 and community involvement in assessing educational needs,
29 ~~establishing local compliance with~~ education standards
30 in statute and adopted by rule by the state board, and
31 with student achievement levels, and, as applicable, the
32 consolidation of federal and state planning, goal-setting, and
33 reporting requirements.

34 ~~c. A requirement that all school districts and accredited~~
35 ~~nonpublic schools annually report to the department and the~~

LSB 5398XL (18) 84

-72-

kh/rj

72/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~local community the district-wide progress made in attaining~~
2 ~~student achievement goals on the academic and other core~~
3 ~~indicators and the district-wide progress made in attaining~~
4 ~~locally established student learning goals. The Use by school~~
5 districts and accredited nonpublic schools ~~shall demonstrate~~
6 ~~the use of multiple statewide assessment measures identified~~
7 ~~and approved by the state board~~ in determining student
8 achievement levels. The school districts and accredited
9 nonpublic schools shall also report the number of students
10 who graduate; the number of students who drop out of school;
11 the number of students who are tested and the percentage of
12 students who are so tested annually; and the percentage of
13 students who graduated during the prior school year and who
14 completed a core curriculum. The board shall develop and
15 adopt uniform definitions consistent with the federal No Child
16 Left Behind Act of 2001, Pub. L. No. 107-110 and any federal
17 regulations adopted pursuant to the federal Act. The school
18 districts and accredited nonpublic schools may report on other
19 locally determined factors influencing student achievement.
20 The school districts and accredited nonpublic schools shall
21 also report to the local community their results by individual
22 attendance center.

23 Sec. 107. Section 256.7, subsection 21, Code Supplement
24 2011, is amended by adding the following new paragraph:

25 NEW PARAGRAPH. *d.* By July 1, 2014, establishment by the
26 department of an accountability system designed to hold school
27 districts and accredited nonpublic schools accountable for
28 student achievement. The accountability system shall, at
29 a minimum, define and measure student achievement, student
30 growth, student achievement gaps, college and career readiness,
31 student well-being, parent satisfaction, school staff working
32 conditions, school fiscal responsibility, and graduation
33 and attendance rates. The director may at the director's
34 discretion, or shall as directed by the state board, convene
35 a working group to develop recommendations for any of the

LSB 5398XL (18) 84

-73-

kh/rj

73/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 following:

2 (1) The accountability system established pursuant to this
3 paragraph.

4 (2) Redesigning the accreditation procedures implemented
5 under section 256.11.

6 (3) A compliance monitoring process aligned with the
7 accountability system.

8 (4) Targeting support for school districts identified as
9 needing assistance under the accountability system.

10 (5) Identifying, studying, and commending high-performing
11 districts.

12 (6) Developing strategies to take over the operation of
13 school districts determined pursuant to section 256.11, or
14 under the accountability system, as persistently failing to
15 meet educational system or student achievement standards.

16 Sec. 108. Section 256.7, subsection 26, paragraph a,
17 subparagraph (1), Code Supplement 2011, is amended to read as
18 follows:

19 (1) The rules establishing high school graduation
20 requirements shall authorize a school district or
21 accredited nonpublic school to consider that any student
22 who satisfactorily completes a high school-level unit of
23 English or language arts, mathematics, science, or social
24 studies has satisfactorily completed a unit of the high
25 school graduation requirements for that area as specified
26 in this lettered paragraph, and shall authorize the school
27 district or accredited nonpublic school to issue high school
28 credit for the unit to the student. The rules shall also
29 require administration of the college entrance examination in
30 accordance with section 280.18.

31 Sec. 109. Section 256.7, subsection 26, Code Supplement
32 2011, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. d. Adopt by rule by July 1, 2014, a policy
34 for the incorporation by school districts of end-of-course
35 assessments into the district's high school graduation

LSB 5398XL (18) 84

-74-

kh/rj

74/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 requirements.

2 Sec. 110. Section 256.7, subsection 28, Code Supplement
3 2011, is amended to read as follows:

4 28. Adopt a set of core content standards applicable to
5 all students in kindergarten through grade twelve in every
6 school district and accredited nonpublic school. ~~For purposes~~
7 ~~of this subsection, "core content standards" includes reading,~~
8 ~~mathematics, and science.~~ The core content standards shall be
9 ~~identical to the core content standards included~~ include those
10 established in Iowa's approved 2006 standards and assessment
11 system under Tit. I of the federal Elementary and Secondary
12 Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended
13 by the federal No Child Left Behind Act of 2001, Pub. L. No.
14 107-110. ~~School districts and accredited nonpublic schools~~
15 ~~shall include, at a minimum, the core content standards adopted~~
16 ~~pursuant to this subsection in any set of locally developed~~
17 ~~content standards. School districts and accredited nonpublic~~
18 ~~schools are strongly encouraged to set higher expectations~~
19 ~~in local standards.~~ As changes in federal law or regulation
20 occur, the state board is authorized to amend the core content
21 standards as appropriate.

22 Sec. 111. Section 256.9, Code Supplement 2011, is amended by
23 adding the following new subsections:

24 NEW SUBSECTION. 67. Require, every three years, a random
25 sampling of students who are of the appropriate age and who
26 are enrolled in school districts and schools throughout the
27 state to take the organisation for economic co-operation and
28 development programme for international student assessment.

29 NEW SUBSECTION. 68. Develop, by July 1, 2014, high school
30 end-of-course assessments for subject areas included under the
31 core content standards.

32 Sec. 112. NEW SECTION. 256.24 **Value-added assessment**
33 **system.**

34 1. For purposes of this section, unless the context
35 otherwise requires, "*value-added assessment*" means a method



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 to measure gains in student achievement by conducting a
2 statistical analysis of achievement data that reveals academic
3 growth over time for students and groups of students, such as
4 those in a grade level or in a school.

5 2. A value-added assessment system shall be established and
6 implemented by the department not later than January 31, 2013,
7 to provide for multivariate longitudinal analysis of annual
8 student test scores to determine the influence of a school
9 district's educational program on student academic growth and
10 to guide school district improvement efforts. The department
11 shall select a value-added assessment system provider through a
12 request for proposals process. The system provider selected
13 by the department shall offer a value-added assessment system
14 to calculate annually the academic growth of students, as
15 determined by the director, and tested in accordance with this
16 section. The system provider shall, at a minimum, meet all of
17 the following criteria:

18 a. Use a mixed-model statistical analysis that has the
19 ability to use all achievement test data for each student,
20 including the data for students with missing test scores, that
21 does not adjust downward expectations for student progress
22 based on race, poverty, or gender, and that will provide the
23 best linear unbiased predictions of school or other educational
24 entity effects to minimize the impact of random errors.

25 b. Have the ability to work with test data from a variety of
26 sources, including data that are not vertically scaled, and to
27 provide support for school districts utilizing the system.

28 c. Have the capacity to receive and report results
29 electronically and provide support for districts utilizing the
30 system.

31 3. The system provider shall create a mechanism to collect
32 and evaluate data in a manner that reliably aligns the
33 performance of the teacher with the achievement levels of and
34 progress of the teacher's students. School districts shall
35 report teacher-to-student alignment data to the system provider

LSB 5398XL (18) 84

-76-

kh/rj

76/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 as directed by the department.

2 4. The system provider shall provide analysis to school
3 districts and to the department of education. The analysis
4 shall include but not be limited to attendance-center-level
5 test results for an assessment aligned with the core content
6 standards in the areas of reading and mathematics and other
7 core academic areas when possible. The analysis shall also
8 include but not be limited to the number of students tested,
9 the number of test results used to compute the averages,
10 the average standard score, and the corresponding grade
11 equivalent-score, as well as measures of student progress. The
12 system provider shall create a chart for each school district.

13 5. A school district shall have complete access to and
14 full utilization of its own value-added assessment reports and
15 charts generated by the system provider at the student level
16 for the purpose of measuring student achievement at different
17 educational entity levels.

18 6. Where student outcomes measures are available, for
19 tested subjects and grades, student outcomes measures
20 shall be considered by the district to validate a teacher's
21 observational evaluation. Student outcomes measures which are
22 a component of a teacher's evaluation are not public records
23 for the purposes of chapter 22.

24 7. Information about student academic growth shall be
25 used by the school district, including school board members,
26 administration, and staff, for defining student and district
27 learning goals and professional development related to student
28 learning goals across the school district. A school district
29 shall submit its academic growth measures in the annual report
30 submitted pursuant to section 256.7, subsection 21, and may
31 reference in the report state level norms for purposes of
32 demonstrating school district performance.

33 8. The department shall use student academic growth data to
34 determine school improvement and technical assistance needs of
35 school districts, and to identify school districts achieving

LSB 5398XL (18) 84

-77-

kh/rj

77/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 exceptional gains. Beginning January 15, 2013, and by January
2 15 of each succeeding year, the department shall submit an
3 annual progress report regarding the use of student academic
4 growth information in the school improvement processes to the
5 general assembly and shall publish the progress report on its
6 internet site.

7 9. A school district shall use the value-added assessment
8 system established by the department pursuant to subsection 1
9 not later than the school year beginning July 1, 2013.

10 Sec. 113. Section 279.60, Code 2011, is amended to read as
11 follows:

12 **279.60 Kindergarten assessment Assessments — access to data**
13 **— reports.**

14 1. a. Each school district shall administer a kindergarten
15 readiness assessment prescribed by the department of education
16 to every resident prekindergarten or four-year-old child whose
17 parent or guardian enrolls the child in the district.

18 b. Each school district shall administer the dynamic
19 indicators of basic early literacy skills kindergarten
20 benchmark assessment or other kindergarten benchmark assessment
21 adopted by the department of education in consultation with
22 the early childhood Iowa state board to every kindergarten
23 student enrolled in the district not later than the date
24 specified in section 257.6, subsection 1. The school district
25 shall also collect information from each parent, guardian,
26 or legal custodian of a kindergarten student enrolled in the
27 district, including but not limited to whether the student
28 attended preschool, factors identified by the early childhood
29 Iowa office pursuant to section 256I.5, and other demographic
30 factors. Each school district shall report the results of
31 the assessment and the preschool information collected to
32 the department of education in the manner prescribed by the
33 department not later than January 1 of that school year. The
34 early childhood Iowa office in the department of management
35 shall have access to the raw data. The department shall review



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the information submitted pursuant to this section and shall
2 submit its findings and recommendations annually in a report to
3 the governor, the general assembly, the early childhood Iowa
4 state board, and the early childhood Iowa area boards.

5 2. a. Each school district shall administer the Iowa
6 assessments created by the state university of Iowa, to all
7 students enrolled in grade ten in the school years beginning
8 July 1, 2012, and July 1, 2013.

9 b. This subsection is repealed July 1, 2014.

10 3. By July 1, 2014, each school district shall administer
11 end-of-course assessments developed pursuant to section 256.9,
12 subsection 68, as an integral component of each course of study
13 under the core content standards.

14 Sec. 114. **NEW SECTION. 280.18 Assessment requirements.**

15 1. The board of directors of a school district and the
16 authorities in charge of a nonpublic school shall provide
17 to each student enrolled in grade eleven a college entrance
18 examination produced to assess English, reading, mathematics,
19 and science. Each school district and nonpublic school shall
20 offer to provide to any student enrolled in grade eleven
21 assessments to assess reading for information, locating
22 information, and applied mathematics.

23 2. a. If funds are made available to the department of
24 education for such purpose, the cost of the college entrance
25 examination administered pursuant to subsection 1 shall be paid
26 by the department.

27 b. The cost of the career readiness assessments administered
28 pursuant to subsection 1 shall be paid by the department if
29 funds are available to the department for that purpose.

30 c. The costs of a college entrance examination taken by a
31 student in addition to those specified in subsection 1 shall be
32 the responsibility of the student.

33 3. If funds are available to the department for such
34 purpose, the department shall make a preparation program for
35 the college entrance examination available to all students in



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 grade eleven. The department may contract for the necessary
2 assessment services.

3 4. a. The school district or school shall counsel a student
4 whose scores on the college entrance examination administered
5 in grade eleven indicate a high degree of readiness for college
6 to enroll in accelerated courses, with an emphasis on advanced
7 placement and other college-level classes.

8 b. The school district or school shall provide intervention
9 strategies for accelerated learning in the following
10 circumstances:

11 (1) To a student whose scores on the career readiness
12 assessments indicate that additional assistance is required
13 in reading for information, locating information, or applied
14 mathematics.

15 (2) To a student whose scores on the college entrance
16 examination administered in grade eleven indicate that
17 additional assistance is required in English, reading,
18 mathematics, and science.

19 5. Accommodations provided by the college entrance
20 examination provider to a student with a disability taking
21 the college entrance examination under subsection 1 shall be
22 provided in the following manner:

23 a. In the manner allowed by the college entrance examination
24 provider, when results in test scores are reportable to
25 a postsecondary institution for admissions and placement
26 purposes, except as provided in paragraph "b".

27 b. In a manner allowed by an individualized education
28 program developed for the student if the student is a student
29 requiring special education under chapter 256B and the
30 student's disability precludes valid assessment of academic
31 ability using the accommodations provided under paragraph "a"
32 when the student's scores are not reportable to a postsecondary
33 institution for admissions and placement purposes.

34 6. A student's scores on the examinations administered
35 under subsection 1 shall be recorded by the school district or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 school in the student's official education record.

2 DIVISION XIII

3 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS AWARDS

4 Sec. 115. Section 256.44, subsection 1, paragraph a, Code
5 2011, is amended to read as follows:

6 a. If a teacher registers for national board for
7 professional teaching standards certification ~~by~~ after December
8 31, 2007, a one-time initial reimbursement award in the amount
9 of up to one-half of the registration fee paid by the teacher
10 for registration for certification by the national board for
11 professional teaching standards. The teacher shall apply to
12 the department ~~within one year of registration~~ in a manner and
13 according to procedures required by the department, submitting
14 to the department any documentation the department requires.
15 A teacher who receives an initial reimbursement award shall
16 receive a one-time final registration award in the amount of
17 the remaining national board registration fee paid by the
18 teacher if the teacher notifies the department of the teacher's
19 certification achievement and submits any documentation
20 requested by the department.

21 Sec. 116. Section 256.44, subsection 1, paragraph b,
22 subparagraph (1), subparagraph division (b), Code 2011, is
23 amended to read as follows:

24 (b) If the teacher registers for national board for
25 professional teaching standards certification ~~between January~~
26 ~~1, 1999, and December 31, 2007,~~ and achieves certification
27 within the timelines and policies established by the national
28 board for professional teaching standards, an annual award in
29 the amount of two thousand five hundred dollars upon achieving
30 certification by the national board of professional teaching
31 standards.

32 DIVISION XIV

33 EDUCATOR EMPLOYMENT AND PROFESSIONAL DEVELOPMENT MATTERS

34 Sec. 117. Section 256.7, Code Supplement 2011, is amended by
35 adding the following new subsection:

LSB 5398XL (18) 84

-81-

kh/rj

81/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 NEW SUBSECTION. 32. Adopt rules providing for the
2 establishment of a statewide plan for professional development
3 for practitioners employed in Iowa's school districts. The
4 statewide plan shall be designed to make every reasonable
5 effort to utilize best practices, current technologies, and
6 social media, and shall be implemented by the area education
7 agencies pursuant to section 273.2.

8 Sec. 118. Section 256.9, Code Supplement 2011, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 69. Approve, amend and approve, or
11 reject each professional development plan submitted pursuant
12 to section 273.2, in accordance with the rules adopted
13 pursuant to section 256.7, subsection 32, providing for the
14 establishment of a statewide professional development plan
15 for practitioners. The director may grant a waiver to a
16 school district exempting the school district from utilizing
17 the area professional development plan approved pursuant to
18 this subsection if the director determines that the school
19 district's professional development plan achieves the goals for
20 professional development established in accordance with section
21 256.7, subsection 32.

22 Sec. 119. Section 257.10, subsection 10, paragraph d, Code
23 2011, is amended to read as follows:

24 d. The use of the funds calculated under this subsection
25 shall comply with the requirements of section 256.7, subsection
26 32, and chapter 284.

27 Sec. 120. Section 257.10, subsection 10, Code 2011, is
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. e. For the budget year beginning July 1,
30 2012, and succeeding budget years, the department of management
31 shall reduce the distributions from the amount generated by the
32 total professional development supplement district cost to each
33 school district for the budget year by ten percent. However,
34 for purposes of the calculation of the combined district cost
35 pursuant to section 257.10, subsection 8, and the calculation

LSB 5398XL (18) 84

-82-

kh/rj

82/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of the additional property tax pursuant to section 257.4, the
2 total professional development supplement district cost is the
3 amount which results after the reduction made pursuant to this
4 paragraph.

5 Sec. 121. Section 257.16, Code 2011, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5. There is appropriated to the department
8 of education for the fiscal year beginning July 1, 2012, and
9 each fiscal year thereafter, an amount equal to the amount of
10 the professional development supplement reduction, determined
11 pursuant to section 257.10, subsection 10, paragraph "e", and
12 section 257.37A, subsection 2, paragraph "d", for purposes
13 of implementing a statewide professional development plan in
14 accordance with section 256.7, subsection 32.

15 Sec. 122. Section 257.37A, subsection 2, paragraph d, Code
16 2011, is amended to read as follows:

17 d. The use of the funds calculated under this subsection
18 shall comply with requirements of section 256.7, subsection 32,
19 and chapter 284.

20 Sec. 123. Section 257.37A, subsection 2, Code 2011, is
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. e. For the budget year beginning July 1,
23 2012, and succeeding budget years, the department of management
24 shall reduce the distributions from the amount generated by the
25 total area education agency professional development supplement
26 district cost to each area education agency for the budget
27 year by ten percent. However, for purposes of the calculation
28 of the combined district cost pursuant to section 257.10,
29 subsection 8, and the calculation of the additional property
30 tax pursuant to section 257.4, the total area educational
31 agency professional development supplement district cost is the
32 amount which results after the reduction made pursuant to this
33 paragraph.

34 Sec. 124. Section 260C.39, subsection 3, Code 2011, is
35 amended to read as follows:

LSB 5398XL (18) 84

-83-

kh/rj

83/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 3. The terms of employment of personnel, for the academic
2 year following the effective date of the agreement to combine
3 the merged areas shall not be affected by the combination of
4 the merged areas, except in accordance with the procedures
5 under sections 279.15 to ~~279.18~~ 279.17 and section 279.24,
6 to the extent those procedures are applicable, or under the
7 terms of the base bargaining agreement. The authority and
8 responsibility to offer new contracts or to continue, modify,
9 or terminate existing contracts pursuant to any applicable
10 procedures under chapter 279, shall be transferred to the
11 acting, and then to the new, board of the combined merged area
12 upon certification of a favorable vote to each of the merged
13 areas affected by the agreement. The collective bargaining
14 agreement of the merged area receiving the greatest amount of
15 general state aid shall serve as the base agreement for the
16 combined merged area and the employees of the merged areas
17 which combined to form the new combined merged area shall
18 automatically be accreted to the bargaining unit from that
19 former merged area for purposes of negotiating the contracts
20 for the following years without further action by the public
21 employment relations board. If only one collective bargaining
22 agreement is in effect among the merged areas which are
23 combining under this section, then that agreement shall serve
24 as the base agreement, and the employees of the merged areas
25 which are combining to form the new combined merged area shall
26 automatically be accreted to the bargaining unit of that former
27 merged area for purposes of negotiating the contracts for the
28 following years without further action by the public employment
29 relations board. The board of the combined merged area, using
30 the base agreement as its existing contract, shall bargain with
31 the combined employees of the merged areas that have agreed
32 to combine for the academic year beginning with the effective
33 date of the agreement to combine merged areas. The bargaining
34 shall be completed by March 15 prior to the academic year in
35 which the agreement to combine merged areas becomes effective



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 or within one hundred eighty days after the organization of
2 the acting board of the new combined merged area, whichever
3 is later. If a bargaining agreement was already concluded in
4 the former merged area which has the collective bargaining
5 agreement that is serving as the base agreement for the new
6 combined merged area, between the former merged area board
7 and the employees of the former merged area, that agreement
8 is void, unless the agreement contained multiyear provisions
9 affecting academic years subsequent to the effective date of
10 the agreement to form a combined merged area. If the base
11 collective bargaining agreement contains multiyear provisions,
12 the duration and effect of the agreement shall be controlled
13 by the terms of the agreement. The provisions of the base
14 agreement shall apply to the offering of new contracts, or
15 the continuation, modification, or termination of existing
16 contracts between the acting or new board of the combined
17 merged area and the combined employees of the new combined
18 merged area.

19 Sec. 125. Section 261.48, subsection 1, paragraph a, Code
20 2011, is amended to read as follows:

21 a. Is a teacher employed on a full-time basis under sections
22 279.13 through 279.17 and 279.19 in a school district in this
23 state, is a teacher in an approved nonpublic school in this
24 state, or is a licensed teacher at the Iowa braille and sight
25 saving school or the Iowa school for the deaf.

26 Sec. 126. Section 262.9, subsection 2, Code Supplement
27 2011, is amended to read as follows:

28 2. Elect a president of each of the institutions of higher
29 learning; a superintendent of each of the other institutions;
30 a treasurer and a secretarial officer for each institution
31 annually; professors, instructors, officers, and employees;
32 and fix their compensation. Sections 279.12 through 279.17,
33 279.19, and ~~section~~ 279.27 apply to employees of the Iowa
34 braille and sight saving school and the state school for
35 the deaf, who are licensed pursuant to chapter ~~272~~ 256. In

LSB 5398XL (18) 84

-85-

kh/rj

85/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 following those sections in chapter 279, the references to
2 boards of directors of school districts shall be interpreted to
3 apply to the board of regents.

4 Sec. 127. Section 272.15, subsection 1, paragraph a, Code
5 Supplement 2011, is amended to read as follows:

6 a. The board of directors of a school district or area
7 education agency, the superintendent of a school district or
8 the chief administrator of an area education agency, and the
9 authorities in charge of a nonpublic school shall report to the
10 board the nonrenewal or termination, for reasons of alleged
11 or actual misconduct, of a person's contract executed under
12 sections 279.12, 279.13, 279.15, 279.16, 279.17, 279.19 through
13 279.21, 279.23, and 279.24, and the resignation of a person who
14 holds a license, certificate, or authorization issued by the
15 board as a result of or following an incident or allegation
16 of misconduct that, if proven, would constitute a violation
17 of the rules adopted by the board to implement section 272.2,
18 subsection 14, paragraph "b", subparagraph (1), when the
19 board or reporting official has a good faith belief that the
20 incident occurred or the allegation is true. The board may
21 deny a license or revoke the license of an administrator if
22 the board finds by a preponderance of the evidence that the
23 administrator failed to report the termination or resignation
24 of a school employee holding a license, certificate, statement
25 of professional recognition, or coaching authorization, for
26 reasons of alleged or actual misconduct, as defined by this
27 section.

28 Sec. 128. Section 273.2, Code Supplement 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 10. The area education agency boards shall
31 each annually submit to the department of education a plan
32 for a professional development program, to be implemented in
33 the following fiscal year, which combines the professional
34 development priorities of the state board of education,
35 in accordance with section 256.7, subsection 32, with the

LSB 5398XL (18) 84

-86-

kh/rj

86/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 professional development needs of the schools and school
2 districts in the area. The area education agency board shall
3 provide professional development services under the approved
4 program to local school districts in the area.

5 Sec. 129. Section 273.22, subsection 1, Code 2011, is
6 amended to read as follows:

7 1. The terms of employment of the administrator and staff
8 of affected area education agencies for the school year
9 beginning with the effective date of the formation of the new
10 area education agency shall not be affected by the formation
11 of the new area education agency, except in accordance with
12 the provisions of sections 279.15 through ~~279.18~~ 279.17,
13 and 279.24, and the authority and responsibility to offer
14 new contracts or to continue, modify, or terminate existing
15 contracts pursuant to sections 279.12, 279.13, 279.15,
16 279.16, 279.17, 279.19 through 279.21, 279.23, and 279.24
17 for the school year beginning with the effective date of the
18 reorganization shall be transferred from the boards of the
19 existing area education agencies to the board of the new area
20 education agency following approval of the reorganization plan
21 by the state board as provided in section 273.21, subsection 4.

22 Sec. 130. Section 275.33, subsection 1, Code 2011, is
23 amended to read as follows:

24 1. The terms of employment of superintendents, principals,
25 and teachers, for the school year following the effective date
26 of the formation of the new district shall not be affected by
27 the formation of the new district, except in accordance with
28 the provisions of sections 279.15 to ~~279.18~~ 279.17 and 279.24
29 and the authority and responsibility to offer new contracts or
30 to continue, modify, or terminate existing contracts pursuant
31 to sections 279.12, 279.13, 279.15, 279.16, 279.17, 279.19 to
32 279.21, 279.23, and 279.24 for the school year beginning with
33 the effective date of the reorganization shall be transferred
34 from the boards of the existing districts to the board of the
35 new district on the third Tuesday of January prior to the

LSB 5398XL (18) 84

-87-

kh/rj

87/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 school year the reorganization is effective.

2 Sec. 131. Section 279.13, subsection 5, Code 2011, is
3 amended to read as follows:

4 5. Notwithstanding the other provisions of this section, a
5 temporary contract may be issued to a teacher to fill a vacancy
6 created by a leave of absence in accordance with the provisions
7 of section 29A.28, which contract shall automatically terminate
8 upon return from military leave of the former incumbent of the
9 teaching position and which contract shall not be subject to
10 the provisions of sections 279.15 through 279.17, 279.19, ~~or~~
11 ~~section and~~ 279.27. A separate extracurricular contract issued
12 pursuant to section 279.19A to a person issued a temporary
13 contract under this section shall automatically terminate with
14 the termination of the temporary contract as required under
15 section 279.19A, subsection 8.

16 Sec. 132. Section 279.13, Code 2011, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 6. Notwithstanding the other provisions
19 of this section and any contrary provision of the Code, if
20 the board of directors of a school district or charter school
21 institutes, by majority vote of the membership of the board,
22 a reduction in force, a decision by the board not to renew a
23 teacher contract shall be based upon the following:

24 a. The teacher's effectiveness as demonstrated in
25 evaluations conducted under the teacher evaluation plan adopted
26 pursuant to section 284.4, and the teacher's performance review
27 conducted pursuant to section 284.8.

28 b. The teacher's licensure and endorsements and the needs of
29 the school district or school, and the needs of the students.

30 c. The teacher's hiring date may be taken into consideration
31 only if the bases existing under paragraphs "a" and "b" are
32 substantially equal to the bases existing under paragraphs "a"
33 and "b" for another teacher.

34 Sec. 133. Section 279.16, subsection 4, Code 2011, is
35 amended to read as follows:

LSB 5398XL (18) 84

-88-

kh/rj

88/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 4. The board shall not be bound by common law or statutory
2 rules of evidence or by technical or formal rules of procedure,
3 but it shall hold the hearing in such manner as is best suited
4 to ascertain and conserve the substantial rights of the
5 parties. Process and procedure under sections 279.13 to 279.17
6 and 279.19 shall be as summary as reasonably may be.

7 Sec. 134. Section 279.17, subsections 1, 5, and 7, Code
8 2011, are amended to read as follows:

9 1. If the teacher is no longer a probationary teacher, the
10 teacher may, within ~~ten~~ five days, appeal the determination of
11 the board to an adjudicator by filing a notice of appeal with
12 the secretary of the board. The notice of appeal shall contain
13 a concise statement of the action which is the subject of the
14 appeal, the particular board action appealed from, the grounds
15 on which relief is sought and the relief sought.

16 5. Before the date set for hearing a petition for review
17 of board action, which shall be within ~~ten~~ five days after
18 receipt of the record unless otherwise agreed or unless the
19 adjudicator orders additional evidence be taken before the
20 board, application may be made to the adjudicator for leave to
21 present evidence in addition to that found in the record of the
22 case. If it is shown to the adjudicator that the additional
23 evidence is material and that there were good reasons for
24 failure to present it in the private hearing before the board,
25 the adjudicator may order that the additional evidence be taken
26 before the board upon conditions determined by the adjudicator.
27 The board may modify its findings and decision in the case by
28 reason of the additional evidence and shall file that evidence
29 and any modifications, new findings, or decisions, with the
30 adjudicator and mail copies of the new findings or decisions
31 to the teacher.

32 7. The adjudicator shall, within ~~fifteen~~ five days after the
33 hearing, make a decision and shall give a copy of the decision
34 to the teacher and the secretary of the board. The decision
35 of the adjudicator shall become the final and binding decision



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of the board ~~unless either party within ten days notifies the~~
2 ~~secretary of the board that the decision is rejected. The~~
3 ~~board may reject the decision by majority vote, by roll call,~~
4 ~~in open meeting and entered into the minutes of the meeting.~~
5 ~~The board shall immediately notify the teacher of its decision~~
6 ~~by certified mail. The teacher may reject the adjudicator's~~
7 ~~decision by notifying the board's secretary in writing within~~
8 ~~ten days of the filing of such decision.~~

9 Sec. 135. Section 279.17, subsection 4, paragraph a, Code
10 2011, is amended to read as follows:

11 a. Within ~~thirty~~ five days after filing the notice of
12 appeal, or within further time allowed by the adjudicator,
13 the board shall transmit to the adjudicator the original or
14 a certified copy of the entire record of the private hearing
15 which may be the subject of the petition. By stipulation
16 of the parties to review the proceedings, the record of the
17 case may be shortened. The adjudicator may require or permit
18 subsequent corrections or additions to the shortened record.

19 Sec. 136. Section 279.17, subsection 6, paragraph b, Code
20 2011, is amended by striking the paragraph.

21 Sec. 137. Section 279.19, Code 2011, is amended to read as
22 follows:

23 **279.19 Probationary period.**

24 1. ~~The~~ For a teacher first employed by a school district
25 on or after July 1, 2012, the first ~~three~~ five consecutive
26 years of employment of a ~~the~~ teacher in the ~~same~~ that school
27 district are a probationary period. However, if the teacher
28 has successfully completed a probationary period of employment
29 for another school district located in Iowa, the probationary
30 period in the current district of employment shall not exceed
31 one year. A board of directors may waive the probationary
32 period for any teacher who previously has served a probationary
33 period in another school district and the board may extend the
34 probationary period for an additional year with the consent of
35 the teacher.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 2. In the case of the termination of a probationary
2 teacher's contract, the provisions of sections 279.15 and
3 279.16 shall apply. ~~However, if the probationary teacher is a~~
4 ~~beginning teacher who fails to demonstrate competence in the~~
5 ~~Iowa teaching standards in accordance with chapter 284, the~~
6 ~~provisions of sections 279.17 and 279.18 shall also apply.~~

7 3. The board's decision shall be final and binding unless
8 the termination was based upon an alleged violation of a
9 constitutionally guaranteed right of the teacher or an alleged
10 violation of public employee rights of the teacher under
11 section 20.10.

12 4. Notwithstanding any provision to the contrary, the
13 grievance procedures of section 20.18 relating to job
14 performance or job retention shall not apply to a teacher
15 during the first two years of the teacher's probationary
16 period. However, except as provided in section 284.8, this
17 ~~paragraph~~ subsection shall not apply to a teacher who has
18 successfully completed a probationary period in a school
19 district in Iowa.

20 Sec. 138. Section 279.19A, subsection 2, paragraph a, Code
21 2011, is amended to read as follows:

22 a. An extracurricular contract shall be continued
23 automatically in force and effect for equivalent periods,
24 except as modified or terminated by mutual agreement of
25 the board of directors and the employee, or terminated in
26 accordance with this section. An extracurricular contract
27 shall initially be offered by the employing board to an
28 individual on the same date that contracts are offered to
29 teachers under section 279.13. An extracurricular contract
30 may be terminated at the end of a school year pursuant to
31 sections 279.15 through 279.17 and 279.19. If the school
32 district offers an extracurricular contract for a sport for
33 the subsequent school year to an employee who is currently
34 performing under an extracurricular contract for that sport,
35 and the employee does not wish to accept the extracurricular

LSB 5398XL (18) 84

-91-

kh/rj

91/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 contract for the subsequent year, the employee may resign from
2 the extracurricular contract within twenty-one days after it
3 has been received.

4 Sec. 139. Section 279.19B, subsections 2 and 3, Code 2011,
5 are amended to read as follows:

6 2. An individual who has been issued a coaching
7 authorization or who possesses a teaching license with a
8 coaching endorsement but is not issued a teaching contract
9 under section 279.13 and who is employed by the board of
10 directors of a school district serves at the pleasure of the
11 board of directors and is not subject to sections 279.13
12 through 279.17, 279.19, and 279.27. Subsection 1 of section
13 279.19A applies to coaching authorizations.

14 3. The licensure and coaching authorization requirements
15 of this section shall not apply to community colleges.
16 An individual employed as a coach of a community college
17 interscholastic athletic activity who is not issued a teaching
18 contract under section 279.13 serves at the pleasure of the
19 board of directors of the community college and is not subject
20 to sections 279.13 through 279.17, 279.19, and 279.27.

21 Sec. 140. Section 279.24, subsection 4, Code 2011, is
22 amended to read as follows:

23 4. Administrators employed in a school district for
24 less than ~~two~~ five consecutive years are probationary
25 administrators. However, a school board may waive the
26 probationary period for any administrator who has previously
27 served a probationary period in another school district and
28 the school board may extend the probationary period for an
29 additional year with the consent of the administrator. If a
30 school board determines that it should terminate a probationary
31 administrator's contract, the school board shall notify the
32 administrator not later than May 15 that the contract will not
33 be renewed beyond the current year. The notice shall be in
34 writing by letter, personally delivered, or mailed by certified
35 mail. The notification shall be complete when received by

LSB 5398XL (18) 84

-92-

kh/rj

92/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the administrator. Within ~~ten~~ five days after receiving the
2 notice, the administrator may request a private conference
3 with the school board to discuss the reasons for termination.
4 The school board's decision to terminate a probationary
5 administrator's contract shall be final unless the termination
6 was based upon an alleged violation of a constitutionally
7 guaranteed right of the administrator.

8 Sec. 141. Section 279.24, subsection 5, paragraphs c
9 through i, Code 2011, are amended to read as follows:

10 c. Within five days after receipt of the written notice
11 that the school board has voted to consider termination
12 of the contract, the administrator may request in writing
13 to the secretary of the school board that the notification
14 be forwarded to the ~~board of educational examiners~~ public
15 employee relations board along with a request that the ~~board~~
16 ~~of educational examiners~~ public employee relations board
17 submit a list of five qualified ~~administrative law judges~~
18 adjudicators to the parties. Within three days from receipt
19 of the list, the parties shall select an ~~administrative law~~
20 ~~judge~~ adjudicator by alternately removing a name from the list
21 until only one name remains. The person whose name remains
22 shall be the ~~administrative law judge~~ adjudicator. The parties
23 shall determine by lot which party shall remove the first name
24 from the list. The hearing shall be held no sooner than ~~ten~~
25 five days and not later than ~~thirty~~ five days following the
26 administrator's request unless the parties otherwise agree.
27 If the administrator does not request a hearing, the school
28 board, not later than May 31, may determine the continuance or
29 discontinuance of the contract and, if the board determines to
30 continue the administrator's contract, whether to suspend the
31 administrator with or without pay for a period specified by
32 the board. School board action shall be by majority roll call
33 vote entered on the minutes of the meeting. Notice of school
34 board action shall be personally delivered or mailed to the
35 administrator.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~d.~~ The ~~administrative law judge~~ adjudicator selected shall
2 notify the secretary of the school board and the administrator
3 in writing concerning the date, time, and location of the
4 hearing. The school board may be represented by a legal
5 representative, if any, and the administrator shall appear and
6 may be represented by counsel or by representative, if any.
7 A transcript or recording shall be made of the proceedings
8 at the hearing. A school board member or administrator is
9 not liable for any damage to an administrator or school board
10 member if a statement made at the hearing is determined to be
11 erroneous as long as the statement was made in good faith. The
12 adjudicator may affirm board action or remand the case to the
13 board for further proceedings. The adjudicator shall reverse,
14 modify, or grant any appropriate relief from the board action
15 if substantial rights of the administrator have been prejudiced
16 because the board's action is any of the following:

17 (1) In violation of a board rule or policy or contract.
18 (2) Unreasonable, arbitrary, or capricious or characterized
19 by an abuse of discretion or a clearly unwarranted exercise of
20 discretion.

21 ~~e.~~ The ~~administrative law judge~~ adjudicator shall, within
22 ~~ten~~ five days following the date of the hearing, make a
23 proposed decision as to whether or not the administrator
24 should be dismissed, and shall give a copy of the proposed
25 decision to the administrator and the school board. Findings
26 of fact shall be prepared by the ~~administrative law judge~~
27 adjudicator. The proposed decision of the ~~administrative law~~
28 ~~judge~~ adjudicator shall become the final decision of the school
29 board ~~unless within ten days after the filing of the decision~~
30 ~~the administrator files a written notice of appeal with the~~
31 ~~school board, or the school board on its own motion determines~~
32 ~~to review the decision.~~

33 ~~f.~~ ~~If the administrator appeals to the school board, or if~~
34 ~~the school board determines on its own motion to review the~~
35 ~~proposed decision of the administrative law judge, a private~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

~~1 hearing shall be held before the school board within five days
2 after the petition for review, or motion for review, has been
3 made or at such other time as the parties agree. The private
4 hearing is not subject to chapter 21. The school board may
5 hear the case de novo upon the record as submitted before the
6 administrative law judge. In cases where there is an appeal
7 from a proposed decision or where a proposed decision is
8 reviewed on motion of the school board, an opportunity shall be
9 afforded to each party to file exceptions, present briefs, and
10 present oral arguments to the school board which is to render
11 the final decision. The secretary of the school board shall
12 give the administrator written notice of the time, place, and
13 date of the hearing. The school board shall meet within five
14 days after the hearing to determine the question of continuance
15 or discontinuance of the contract and, if the board determines
16 to continue the administrator's contract, whether to suspend
17 the administrator with or without pay for a period specified
18 by the board. The school board shall make findings of fact
19 which shall be based solely on the evidence in the record and
20 on matters officially noticed in the record.~~

~~21 g. The decision of the school board shall be in writing
22 and shall include findings of fact and conclusions of law,
23 separately stated. Findings of fact, if set forth in statutory
24 language, shall be accompanied by a concise and explicit
25 statement of the underlying facts supporting the findings.
26 Each conclusion of law shall be supported by cited authority
27 or by reasoned opinion.~~

~~28 h. When the school board has reached a decision, opinion,
29 or conclusion, it shall convene in open meeting and by roll
30 call vote determine the continuance or discontinuance of
31 the administrator's contract and, if the board votes to
32 continue the administrator's contract, whether to suspend the
33 administrator with or without pay for a period specified by
34 the board. The record of the private conference and findings
35 of fact and exceptions shall be exempt from the provisions of~~

LSB 5398XL (18) 84

-95-

kh/rj

95/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 ~~chapter 22.~~

2 f. The secretary of the school board shall immediately
3 personally deliver or mail notice of the ~~school board's~~
4 adjudicator's action to the administrator.

5 ~~i.~~ ~~The administrator may within thirty days after~~
6 ~~notification by the school board of discontinuance of the~~
7 ~~contract appeal to the district court of the county in which~~
8 ~~the administrative office of the school district is located.~~

9 Sec. 142. Section 279.24, subsection 6, Code 2011, is
10 amended by striking the subsection.

11 Sec. 143. Section 279.27, Code 2011, is amended to read as
12 follows:

13 **279.27 Discharge of teacher.**

14 A teacher may be discharged at any time during the
15 contract year for just cause. The superintendent or the
16 superintendent's designee, shall notify the teacher immediately
17 that the superintendent will recommend in writing to the board
18 at a regular or special meeting of the board held not more
19 than fifteen days after notification has been given to the
20 teacher that the teacher's continuing contract be terminated
21 effective immediately following a decision of the board. The
22 procedure for dismissal shall be as provided in section 279.15,
23 subsection 2, and sections 279.16 ~~to~~, 279.17, and 279.19. The
24 superintendent may suspend a teacher under this section pending
25 hearing and determination by the board.

26 Sec. 144. Section 284.3, subsection 2, paragraph a, Code
27 2011, is amended to read as follows:

28 a. For purposes of comprehensive evaluations for beginning
29 teachers required to allow beginning teachers to progress to
30 career teachers, standards and criteria that are the Iowa
31 teaching standards specified in subsection 1 and the criteria
32 for the Iowa teaching standards developed by the department in
33 accordance with section 256.9, subsection 46. These standards
34 and criteria shall be set forth in an instrument provided by
35 the department. The comprehensive evaluation and instrument



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 are not subject to negotiations or grievance procedures
2 pursuant to chapter 20 or determinations made by the board of
3 directors under section 279.14. A local school board and its
4 certified bargaining representative may negotiate, pursuant to
5 chapter 20, evaluation and grievance procedures for beginning
6 teachers that are not in conflict with this chapter. ~~If, in~~
7 ~~accordance with section 279.19, a beginning teacher appeals the~~
8 ~~determination of a school board to an adjudicator under section~~
9 ~~279.17, the adjudicator selected shall have successfully~~
10 ~~completed training related to the Iowa teacher standards, the~~
11 ~~criteria adopted by the state board of education in accordance~~
12 ~~with subsection 3, and any additional training required under~~
13 ~~rules adopted by the public employment relations board in~~
14 ~~cooperation with the state board of education.~~

15 Sec. 145. Section 284.6, subsection 1, unnumbered paragraph
16 1, Code Supplement 2011, is amended to read as follows:

17 The department shall ~~coordinate a~~ implement the statewide
18 ~~network of~~ plan for professional development for ~~Iowa teachers~~
19 practitioners established pursuant to section 256.7, subsection
20 32. A school district shall utilize the area professional
21 development plan approved by the director of the department
22 pursuant to section 256.9, subsection 69, unless the school
23 district is granted a waiver in accordance with section
24 256.9, subsection 69. A In addition, a school district or
25 professional development provider that offers a career and
26 professional development ~~program~~ programs in accordance
27 with section 256.9, ~~subsection~~ subsections 46, and 69 shall
28 demonstrate that the ~~program contains~~ programs contain the
29 following:

30 Sec. 146. Section 284.6, Code Supplement 2011, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 5A. The director may waive the requirements
33 relating to the development and review of an individual teacher
34 professional development plan for a school district that
35 utilizes a peer review teacher evaluation system in which

LSB 5398XL (18) 84

-97-

kh/rj

97/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 consulting teachers, in conjunction with school administrators,
2 make formal evaluations of the school district's teachers,
3 including but not limited to each teacher's professional
4 growth and employment status. Notwithstanding section 284.8,
5 subsection 1, if the school district is granted a waiver
6 pursuant to this subsection, the review conducted pursuant to
7 section 284.8, subsection 1, shall include a teacher's review
8 conducted utilizing the peer review teacher evaluation system.

9 Sec. 147. Section 284.8, Code 2011, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 5. Notwithstanding any provision to
12 the contrary, if a teacher does not successfully complete an
13 intensive assistance program as required under subsection 4,
14 the board of directors of a school district may place the
15 teacher on probationary status in accordance with section
16 279.19 for the school year following the year in which the
17 teacher participated in the intensive assistance program.

18 Sec. 148. TRANSITIONAL PROVISION. The probationary period
19 provisions of section 279.19, Code 2011, shall apply to a
20 teacher employed by a school district prior to July 1, 2012,
21 until the end of the teacher's continuous employment by that
22 school district or until the teacher successfully completes the
23 probationary period in accordance with section 279.19, Code
24 2011.

25 Sec. 149. REPEAL. Section 279.18, Code 2011, is repealed.

26 DIVISION XV

27 CHARTER SCHOOL CHANGES

28 Sec. 150. Section 256F.1, subsections 1 and 2, Code 2011,
29 are amended by striking the subsections.

30 Sec. 151. Section 256F.1, subsection 3, unnumbered
31 paragraph 1, Code 2011, is amended to read as follows:

32 The purpose of a charter school ~~or an innovation zone school~~
33 established pursuant to this chapter shall be to accomplish the
34 following:

35 Sec. 152. Section 256F.1, subsection 4, Code 2011, is

LSB 5398XL (18) 84

-98-

kh/rj

98/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 amended by striking the subsection and inserting in lieu
2 thereof the following:

3 4. This section shall not be construed to provide a means
4 to keep open a school that the board of directors of a school
5 district closes. However, a school board may endorse or
6 authorize the establishing of a charter school to replace the
7 school the board closes. Applicants seeking a charter under
8 this circumstance shall demonstrate to the state board that
9 the charter sought is substantially different in purpose and
10 program from the school the board closes and that the proposed
11 charter satisfies the requirements of this section. The state
12 board shall not approve an application submitted under section
13 256F.5 if the application does not comply with this subsection.

14 Sec. 153. Section 256F.2, subsections 1 and 6, Code 2011,
15 are amended by striking the subsections and inserting in lieu
16 thereof the following:

17 1. "*Applicant*" means an entity eligible to submit to the
18 state board an application to charter a school in accordance
19 with this chapter. "*Applicant*" includes any of the following:

20 a. The board of directors of a school district.

21 b. A consortium consisting of the boards of directors of two
22 or more school districts.

23 c. An area education agency board.

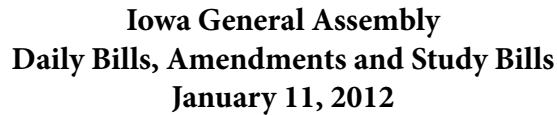
24 d. A consortium consisting of the boards of directors of
25 an area education agency and one or more school districts, at
26 least one of which is located within the boundaries of the area
27 education agency.

28 e. The board of directors of a community college.

29 f. A consortium consisting of the boards of directors of a
30 community college and one or more school districts, at least
31 one of which is located within the boundaries of the community
32 college.

33 g. An institution of higher education governed by the state
34 board of regents.

35 h. A consortium consisting of an institution of higher



Page 211 of 275



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 including but not limited to orientation on the charter school
2 board's role and responsibilities, employment policies and
3 practices, and financial management.

4 3. Monitor and evaluate the fiscal, operational, and
5 student performance of the charter school annually and provide
6 a written annual performance evaluation to the charter school
7 board and the state board. The department may for this
8 purpose annually collect from a charter school a reasonable
9 fee established by rule by the state board based on the number
10 of students who are enrolled in the charter school. The fee
11 structure shall be stated in the charter school contract.

12 4. Provide, every fifth year in which a charter school is
13 in operation and before the state board considers renewing
14 a charter school's contract, a formal written review of the
15 annual evaluations conducted pursuant to subsection 3.

16 Sec. 156. Section 256F.4, subsections 1, 5, and 7, Code
17 2011, are amended by striking the subsections.

18 Sec. 157. Section 256F.4, subsections 2, 6, and 8, Code
19 2011, are amended to read as follows:

20 2. Although a charter school ~~or innovation zone school~~
21 may elect to comply with one or more provisions of statute or
22 administrative rule, a charter school ~~or innovation zone school~~
23 is exempt from all statutes and administrative rules applicable
24 to a school, a school board, or a school district, except that
25 the charter school ~~or innovation zone school~~ shall meet the
26 requirements of this chapter and shall do all of the following:

27 a. Meet all applicable federal, state, and local health and
28 safety requirements and laws prohibiting discrimination on the
29 basis of race, creed, color, sex, sexual orientation, gender
30 identity, national origin, religion, ancestry, or disability.
31 A charter school ~~or innovation zone school~~ shall be subject to
32 any court-ordered desegregation plan in effect for the school
33 district at the time the charter school ~~or innovation zone~~
34 ~~school~~ application is approved.

35 b. Operate as a nonsectarian, nonreligious public school.

LSB 5398XL (18) 84

-101-

kh/rj

101/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

- 1 *c.* Be free of tuition and application fees to Iowa resident
2 students between the ages of five and twenty-one years.
- 3 *d.* Be subject to and comply with chapters 216 and 216A
4 relating to civil and human rights.
- 5 *e.* ~~Provide~~ Make special education programs and services
6 available to students requiring special education in accordance
7 with chapter 256B.
- 8 *f.* Be subject to the same financial audits, audit
9 procedures, and audit requirements as a school district. The
10 audit shall be consistent with the requirements of sections
11 11.6, 11.14, 11.19, 256.9, subsection 20, section 256F.8, and
12 section 279.29, except to the extent deviations are necessary
13 because of the program at the charter school. The department,
14 the auditor of state, or the legislative services agency may
15 conduct financial, program, or compliance audits.
- 16 *g.* Be ~~subject~~ eligible to and comply with participate in
17 the student achievement and teacher quality program under
18 chapter 284 relating to the student achievement and teacher
19 quality program. A charter school ~~or innovation zone school~~
20 ~~that complies with chapter 284~~ shall ~~receive state moneys or~~
21 be eligible to receive state moneys calculated as provided in
22 section 257.10, subsections 9 and 10, and section 257.37A ~~as if~~
23 ~~it did not operate under a charter school or innovation zone~~
24 ~~school contract.~~
- 25 *h.* Be subject to and comply with ~~chapters~~ chapter 20 and
26 ~~279~~ relating to contracts with and discharge of teachers and
27 administrators.
- 28 *i.* Be subject to and comply with the provisions of chapter
29 285 relating to the transportation of students, except that the
30 provisions of section 285.1, subsections 14, 15, 16, and 17,
31 shall not apply.
- 32 ~~*j.* Meetings and records of the advisory council are subject~~
33 ~~to the provisions of chapters 21 and 22.~~
- 34 ~~*j.* Comply with sections 279.9, 280.17A, 280.17B, 280.21B,~~
35 280.24, and 280.28, and may suspend or expel a student only



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 as provided in section 282.4. A decision made as provided in
2 section 282.4 is subject to appeal under section 290.1.
3 k. Comply with all statutes and administrative rules
4 relating to student records, including but not limited to
5 section 22.7, subsection 1, and sections 256H.1, 280.19A,
6 280.25, and 280.29, and shall submit data to the department
7 for purposes of the department's comprehensive management
8 information system.
9 l. Comply with the requirements of chapter 283A.
10 m. Comply with any statewide accountability requirements in
11 statute or administrative rule governing high school graduation
12 requirements, the core curriculum, core content standards,
13 and assessments. The charter school shall issue high school
14 diplomas to students who successfully meet the graduation
15 requirements of the charter school.
16 6. Notwithstanding subsection 2, a charter school ~~or~~
17 ~~innovation zone school~~ shall meet the requirements of section
18 256.7, subsection 21.
19 8. A charter school ~~or innovation zone consortium may~~ shall
20 enter into contracts in accordance with chapter 26.
21 Sec. 158. Section 256F.4, Code 2011, is amended by adding
22 the following new subsection:
23 NEW SUBSECTION. 2A. A charter school shall not be used as
24 a method of providing education to or generating revenue for
25 students who are receiving competent private instruction in
26 accordance with chapter 299A.
27 Sec. 159. Section 256F.4, subsections 3 and 4, Code 2011,
28 are amended by striking the subsections and inserting in lieu
29 thereof the following:
30 3. The primary focus of a charter school shall be to provide
31 a comprehensive program of instruction for at least one grade
32 or age group from five through twenty-one years of age.
33 4. A charter school is a municipality for the purposes of
34 tort liability under chapter 670.
35 Sec. 160. Section 256F.5, Code Supplement 2011, is amended



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 by striking the section and inserting in lieu thereof the
2 following:

3 **256F.5 Application.**

4 1. An application to operate a charter school pursuant to
5 this chapter shall include but not be limited to the following:

6 a. A business plan that documents the proposed charter
7 school's mission statement; school purposes; program design;
8 description of a graduation plan, where applicable; financial
9 plan; governance and management structure; and background
10 and experience of the applicants and the initial board and
11 instructional staff, plus any other information the state board
12 requests. An applicant shall file a separate application for
13 each school the applicant intends to charter.

14 b. A statement of assurances of legal compliance prescribed
15 by the state board.

16 c. The applicant's ability to implement the procedures
17 and satisfy the criteria for chartering a school under this
18 chapter.

19 d. The measures that will be implemented to provide for
20 oversight of the charter school's academic, financial, and
21 operational performance, and to ensure compliance with the
22 terms of any written contract entered into by the charter
23 school board of directors and the state board.

24 e. A statement of support or nonsupport from the board of
25 directors of the school district, in which the charter school
26 would be located. The statement shall be submitted to the
27 applicant in a timely manner by the school district board.

28 f. A statement demonstrating community support and student
29 need.

30 g. A statement of admission policies and procedures.

31 h. The types and amounts of insurance liability coverage to
32 be obtained by the charter school.

33 i. How special instruction, programs, and services for
34 children requiring special education and English language
35 learners under chapter 256B and section 280.4 will be made



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 available and a description of the financial parameters within
2 which the special instruction, programs, and services will be
3 made available.

4 2. If the applicant includes a school district pursuant
5 to section 256F.2, subsection 1, paragraph "a", "b", "d", "f",
6 "h", "i", or "j", that will, under the plan submitted, convert
7 an existing attendance center operated by the school district
8 into a charter school in accordance with this chapter, the
9 application shall demonstrate the support of at least fifty
10 percent of the teachers employed at the school on the date
11 of the submission of the application and fifty percent of
12 the parents or guardians voting whose children are enrolled
13 at the school, provided that a majority of the parents or
14 guardians eligible to vote participate in the ballot process,
15 according to procedures established by rules of the state
16 board. Conversion of an existing school to a charter school if
17 approved pursuant to this chapter shall occur at the beginning
18 of an academic year.

19 3. a. The state board shall approve or disapprove an
20 application within ninety business days of receipt of the
21 application.

22 b. If the state board disapproves the application, the state
23 board shall notify the applicant of the specific deficiencies
24 in writing and the applicant shall have twenty business days to
25 address the deficiencies to the state board's satisfaction.

26 (1) If the applicant addresses the deficiencies within the
27 time specified, the state board shall at its next regularly
28 scheduled meeting make a final decision to approve or
29 disapprove the application.

30 (2) If the applicant fails to address the deficiencies in
31 the time specified, the state board shall notify the applicant
32 that the application is denied and the decision of the state
33 board is final agency action under chapter 17A.

34 c. An applicant whose application is denied pursuant to the
35 process specified in this subsection shall not submit another



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 application until the expiration of at least one calendar year
2 after notification of the denial of application.

3 4. The state board shall establish criteria for application
4 approval that at a minimum consider the following:

5 a. A comprehensive review of the application.

6 b. The available capacity and infrastructure identified in
7 the plan.

8 c. Contracting process specified in the plan.

9 d. Ongoing oversight and evaluation processes relating to
10 administration and staffing.

11 e. Charter school contract and contract renewal criteria and
12 processes.

13 5. Approval of an application and renewal of a charter by
14 the state board shall not be conditioned upon the bargaining
15 unit status of the employees of the school.

16 Sec. 161. Section 256F.6, Code 2011, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **256F.6 Formation of school — board.**

19 1. An operator who successfully completes the orientation
20 program required pursuant to section 256F.3, subsection
21 1, before entering into a contract or other agreement for
22 professional or other services, goods, or facilities, shall
23 incorporate as a nonprofit corporation under chapter 504 and
24 shall establish an initial board of directors composed of at
25 least five voting members, who are not related parties, until a
26 timely election for members of the ongoing charter school board
27 of directors is held according to the school's articles and
28 bylaws.

29 2. Members of the charter school board of directors
30 established under the school's articles and bylaws shall
31 be elected before the school completes its third year of
32 operation. The articles and bylaws shall require that the
33 board be composed of not less than five voting members. The
34 articles and bylaws shall include clear policies regarding
35 conflicts of interest, standards of responsibility, and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 obedience to law, fairness, and honesty.

2 3. Staff members employed at the school and all parents
3 or guardians of children enrolled in the school are the
4 voters eligible to elect the members of the school's board of
5 directors.

6 4. A charter school shall notify eligible voters of the
7 school board election dates at least thirty days before the
8 election. Board elections shall be held during the school year
9 but may not be conducted on days when the school is closed for
10 holidays or vacations.

11 5. a. Any charter school board of directors shall be
12 composed of the following:

13 (1) Notwithstanding section 279.7A, at least one licensed
14 teacher employed at the school.

15 (2) At least one parent or legal guardian of a student
16 enrolled in the charter school who is not an employee of the
17 charter school.

18 (3) At least one interested community member who is not
19 employed by the charter school and does not have a child
20 enrolled in the school.

21 b. The majority of members on the board may be teachers,
22 notwithstanding section 279.7A.

23 c. The chief financial officer and the chief administrator
24 of the charter school, if elected, shall only serve as ex
25 officio, nonvoting board members.

26 d. Charter school employees shall not serve on the board
27 except as provided in this subsection.

28 e. Except as provided in section 279.7A, contractors
29 providing facilities, goods, or services to a charter school
30 shall not serve on the board.

31 f. Board articles and bylaws shall outline the process
32 and procedures for changing the board's governance model,
33 consistent with chapter 504.

34 6. A charter school board may change the governance model
35 set forth in the application or in the articles and bylaws



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of the charter school only if the change conforms with this
2 section and a majority of the board approves the change; the
3 licensed teachers employed by the school approve the change;
4 and the state board approves the change.

5 7. a. The state board may permit a charter school board
6 to expand the operation of the charter school to additional
7 sites or to add grades at the school beyond those described
8 in the operator's approved application only after submitting
9 a supplemental affidavit for approval to the state board
10 in a form and manner prescribed by the state board. The
11 supplemental affidavit shall include the following:

12 (1) A proposed expansion plan that demonstrates need and
13 projected enrollment.

14 (2) Documentation that the expansion is warranted, at a
15 minimum, by longitudinal data demonstrating students' improved
16 academic performance and growth on student assessments.

17 (3) Documentation that the charter school is financially
18 sound and the financing the charter school needs to implement
19 the proposed expansion exists.

20 (4) Documentation that the charter school has the
21 governance structure and management capacity to carry out the
22 expansion.

23 b. The state board shall have sixty business days to review
24 and comment on the supplemental affidavit. The state board
25 shall notify the charter school board of any deficiencies in
26 the supplemental affidavit and the charter school board shall
27 have twenty business days to address, to the state board's
28 satisfaction, any deficiencies in the supplemental affidavit.
29 The school shall not expand to additional sites or add grades
30 until the state board approves the supplemental affidavit.
31 The state board's approval or disapproval of a supplemental
32 affidavit is final agency action.

33 8. The charter school board of directors is a government or
34 governmental body for purposes of chapters 21 and 22.

35 9. Except as provided in subsection 5, members of the board



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 are subject to section 279.7A.

2 Sec. 162. Section 256F.8, Code 2011, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **256F.8 Audit report.**

5 1. The charter school shall annually submit an audit report
6 to the state board by December 31.

7 2. The charter school, with the assistance of the auditor
8 conducting the audit, shall include with the report a copy
9 of all charter school agreements for corporate management
10 services. If the entity that provides the professional
11 services to the charter school is exempt from taxation under
12 section 501 of the Internal Revenue Code of 1986, that entity
13 must file with the state board by February 15 a copy of the
14 annual return required under section 6033 of the Internal
15 Revenue Code of 1986.

16 3. If the audit report finds that a material weakness
17 exists in the financial reporting systems of a charter school,
18 the charter school shall submit a written report to the state
19 board at its first annual meeting explaining how the material
20 weakness will be resolved. An auditor conducting the audit
21 of the charter school, as a condition of providing financial
22 services to a charter school, shall agree to make available
23 information about a charter school's financial audit to the
24 state board upon request.

25 Sec. 163. Section 256F.9, Code 2011, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **256F.9 Admission requirements.**

28 1. A charter school may limit admission to the following:

29 a. Students within an age group or grade level.

30 b. Students who are either at risk of dropping out or have
31 dropped out of school.

32 c. Residents of a specific geographic area in which the
33 school is located when the majority of students served by the
34 school are eligible for free and reduced price meals under
35 the federal National School Lunch Act and the federal Child



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

2 2. A charter school shall enroll an eligible student who
3 submits a timely application, unless the number of applications
4 exceeds the capacity of a program, class, grade level, or
5 building. In such case, students shall be accepted by lot.
6 The charter school shall develop and publish a lottery policy
7 and process for use when accepting students by lot.

8 3. A charter school shall give enrollment preference to
9 a sibling of an enrolled student and to a foster child of
10 that student's parents and may give preference for enrolling
11 children of the school's staff before accepting other students
12 by lot.

13 4. A charter school shall not limit admission to students
14 on the basis of intellectual ability, measures of achievement
15 or aptitude, or athletic ability and shall not establish any
16 criteria or requirements for admission that are inconsistent
17 with this section.

18 5. The charter school shall not distribute any services
19 or goods of value to students, parents, or guardians as an
20 inducement, term, or condition of enrolling a student in a
21 charter school.

22 Sec. 164. Section 256F.10, Code 2011, is amended by striking
23 the section and inserting in lieu thereof the following:

24 **256F.10 Employment and other operating matters.**

25 A charter school shall employ or contract with necessary
26 teachers and administrators, as defined by chapter 256, who
27 hold valid licenses and endorsements to perform the particular
28 service for which they are employed in the school. The school
29 may employ necessary employees who are not required to hold
30 teaching licenses to perform duties other than teaching and may
31 contract for other services.

32 Sec. 165. NEW SECTION. **256F.11 Leased space.**

33 If space to be leased is constructed as a school facility,
34 a charter school may lease such space from a school district
35 or other public organization; private, nonprofit nonsectarian

LSB 5398XL (18) 84

-110-

kh/rj

110/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 organization; private property owner; or a sectarian
2 organization.

3 Sec. 166. NEW SECTION. **256F.12 Affiliated nonprofit**
4 **building corporation.**

5 1. A charter school may organize an affiliated nonprofit
6 building corporation to renovate or purchase an existing
7 facility to serve as a school or to construct a new school
8 facility as provided in subsection 4 or 5.

9 2. An affiliated nonprofit building corporation shall meet
10 all of the following conditions:

11 a. Be incorporated under chapter 504 and comply with
12 applicable internal revenue service regulations.

13 b. Submit annually to the state board a list of current
14 board members and a copy of the corporation's annual audit.

15 3. An affiliated nonprofit building corporation shall not
16 serve as the leasing agent for property or facilities it does
17 not own. The state is immune from liability resulting from a
18 contract between a charter school and an affiliated nonprofit
19 building corporation.

20 4. A charter school may organize an affiliated nonprofit
21 building corporation to renovate or purchase an existing
22 facility to serve as a school if the charter school meets the
23 following criteria:

24 a. Has been operating for at least five consecutive school
25 years.

26 b. Has had a net positive unreserved general fund balance as
27 of June 30 in the preceding five fiscal years.

28 c. Has a long-range strategic and financial plan.

29 d. Completes a feasibility study of available buildings.

30 e. Documents enrollment projections and the need to use
31 an affiliated nonprofit building corporation to renovate or
32 purchase an existing facility to serve as a school.

33 5. A charter school may organize an affiliated nonprofit
34 building corporation to construct a new school facility if the
35 charter school meets the following conditions:

LSB 5398XL (18) 84

-111-

kh/rj

111/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

- 1 *a.* Lacks facilities available to serve as a school.
- 2 *b.* Has been operating for at least eight consecutive school
- 3 years.
- 4 *c.* Has had a net positive unreserved general fund balance as
- 5 of June 30 in the preceding eight fiscal years.
- 6 *d.* Completes a feasibility study of facility options.
- 7 *e.* Has a long-range strategic and financial plan that
- 8 includes enrollment projections and demonstrates the need for
- 9 constructing a new school facility.

10 Sec. 167. NEW SECTION. **256F.13 Collective bargaining.**

11 Employees of the board of directors of a charter school may,
12 if otherwise eligible, organize under chapter 20 and comply
13 with its provisions. The board of directors of a charter
14 school is a public employer, for the purposes of chapter 20,
15 upon formation of one or more bargaining units at the school.
16 Bargaining units at the school shall be separate from any other
17 units within the school district in which the charter school
18 is located, except that bargaining units may remain part of
19 the appropriate bargaining unit of the school district within
20 which the charter school is located if the employees of the
21 charter school, the board of directors of the charter school,
22 the exclusive representative of the appropriate bargaining unit
23 in the school district, and the board of the school district
24 agree to include the employees in the appropriate bargaining
25 unit of the school district.

26 Sec. 168. NEW SECTION. **256F.14 Teacher retirement.**

27 Teachers in a charter school are public school teachers for
28 the purposes of chapter 97B.

29 Sec. 169. NEW SECTION. **256F.15 Causes for nonrenewal or**
30 **termination of charter school contract.**

- 31 1. The state board may decline to renew a contract entered
- 32 into with the board of directors of a charter school at the end
- 33 of the contract term for any ground listed in subsection 3.
- 34 The state board may unilaterally terminate a contract during
- 35 the term of the contract for any ground listed in subsection 3.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 2. At least sixty business days before not renewing or
2 terminating a contract, the state board shall notify the board
3 of directors of the charter school of the proposed action in
4 writing. The notice shall state the grounds for the proposed
5 action in reasonable detail and that the charter school's
6 board of directors may request in writing a hearing before the
7 state board within fifteen business days of receiving notice
8 of nonrenewal or termination of the contract. Failure by the
9 board of directors to make a written request for a hearing
10 within the time specified shall be treated as acquiescence to
11 the proposed action. Upon receiving a timely written request
12 for a hearing, the state board shall give ten business days'
13 notice to the charter school's board of directors of the
14 hearing date. The state board shall conduct the hearing before
15 taking final action. The state board shall take final action
16 to renew or not renew a contract no later than twenty business
17 days before the proposed date for terminating the contract or
18 the end date of the contract.

19 3. A charter school contract entered into with the state
20 board may be terminated or not renewed by the state board upon
21 any of the following grounds:

22 a. Failure to meet the requirements for student performance
23 contained in the contract.

24 b. Failure to meet generally accepted standards of fiscal
25 management.

26 c. Violations of law.

27 d. Other good cause shown, including but not limited to
28 the existence of one or more other grounds for revocation as
29 specified in the contract.

30 4. If a contract is terminated or not renewed on grounds
31 specified in subsection 3, the school shall be dissolved
32 according to rules adopted by the state board, and the assets
33 of the charter school shall be disposed of according to the
34 applicable provisions of chapter 504.

35 5. The state board, after providing reasonable notice to the

LSB 5398XL (18) 84

-113-

kh/rj

113/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 board of directors of a charter school, and after providing an
2 opportunity for a public hearing, may terminate the existing
3 contract with the charter school board if the charter school
4 has a history of the following:

5 *a.* Failure to meet student performance requirements
6 consistent with state law.

7 *b.* Financial mismanagement or gross failure to meet
8 generally accepted standards of fiscal management.

9 *c.* Violations of the law.

10 Sec. 170. NEW SECTION. **256F.16 Student enrollment upon**
11 **nonrenewal or termination of charter school contract.**

12 If a contract is not renewed or is terminated according to
13 section 256F.15, a student who attended the charter school
14 may enroll in the district of residence or may submit an
15 application to a nonresident district according to section
16 282.18 at any time, and shall be determined to have shown "*good*
17 *cause*" for purposes of section 282.18. Applications and notices
18 required by section 282.18 shall be processed and provided
19 in a prompt manner. The application and notice deadlines in
20 section 282.18 do not apply under these circumstances. The
21 charter school shall transfer the student's educational records
22 within ten business days of the charter school's closure to the
23 student's school district of enrollment.

24 Sec. 171. NEW SECTION. **256F.17 Extent of specific legal**
25 **authority.**

26 1. A charter school board may sue and be sued.

27 2. A charter school board shall not levy taxes or issue
28 bonds.

29 3. A charter school is a municipality for purposes of
30 chapter 670.

31 Sec. 172. NEW SECTION. **256F.18 Funding.**

32 A student enrolled in a charter school shall be counted,
33 for state school foundation aid purposes, in the student's
34 district of residence. A student's residence, for purposes
35 of this section, means a residence under section 282.1. The

LSB 5398XL (18) 84

-114-

kh/rj

114/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 board of directors of the district of residence shall pay to
2 the charter school the district cost per pupil, the teacher
3 salary supplement district cost per pupil, the professional
4 development supplement district cost per pupil, and the early
5 intervention supplement district cost per pupil under section
6 257.10, plus any moneys received for the student as a result
7 of the non-English speaking weighting under section 280.4,
8 subsection 3, for the previous school year multiplied by the
9 district cost per pupil for the previous year. In addition,
10 the board of directors of the district of residence shall pay
11 to the charter school any other per pupil moneys requested
12 under the charter school application approved by the state
13 board.

14 Sec. 173. NEW SECTION. 256F.19 Prior charter schools and
15 innovation zones.

16 1. A charter school or innovation zone school established
17 prior to July 1, 2012, shall continue to be governed by chapter
18 256F, Code 2011 and Code Supplement 2011, until the term of the
19 contract entered into pursuant to section 256F.8, Code 2011,
20 ends.

21 2. This section is repealed July 1, 2018.

22 Sec. 174. Section 282.18, subsection 4, paragraph b, Code
23 2011, is amended to read as follows:

24 b. For purposes of this section, "good cause" means a change
25 in a child's residence due to a change in family residence, a
26 change in the state in which the family residence is located,
27 a change in a child's parents' marital status, a guardianship
28 or custody proceeding, placement in foster care, adoption,
29 participation in a foreign exchange program, or participation
30 in a substance abuse or mental health treatment program, a
31 change in the status of a child's resident district such as
32 removal of accreditation by the state board, surrender of
33 accreditation, or permanent closure of a nonpublic school,
34 revocation nonrenewal or termination of a charter school
35 contract as provided in section ~~256F.8~~ 256F.15, the failure

LSB 5398XL (18) 84

-115-

kh/rj

115/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 of negotiations for a whole grade sharing, reorganization,
2 dissolution agreement or the rejection of a current whole grade
3 sharing agreement, or reorganization plan. If the good cause
4 relates to a change in status of a child's school district of
5 residence, however, action by a parent or guardian must be
6 taken to file the notification within forty-five days of the
7 last board action or within thirty days of the certification of
8 the election, whichever is applicable to the circumstances.

9 Sec. 175. Section 670.1, subsection 2, Code 2011, is amended
10 to read as follows:

11 2. "*Municipality*" means city, county, township, school
12 district, charter school, and any other unit of local
13 government except soil and water conservation districts as
14 defined in section 161A.3, subsection 6.

15 Sec. 176. REPEAL. Section 256F.7, Code 2011, is repealed.

16 DIVISION XVI

17 THIRD GRADE LITERACY

18 Sec. 177. Section 256.7, Code Supplement 2011, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 31. By July 1, 2013, adopt by rule
21 guidelines for school district implementation of section
22 279.68, including but not limited to basic levels of reading
23 proficiency on approved assessments and identification of tools
24 that school districts may use in evaluating and reevaluating
25 any student who may be or who is determined to be deficient in
26 reading, including but not limited to initial assessments and
27 subsequent assessments, alternative assessments, and portfolio
28 reviews. The state board shall adopt standards that provide
29 a reasonable expectation that a student's progress toward
30 reading proficiency under section 279.68 is sufficient to
31 master appropriate grade four level reading skills prior to the
32 student's promotion to grade four.

33 Sec. 178. Section 256.9, subsection 53, paragraph a, Code
34 Supplement 2011, is amended to read as follows:

35 a. Develop and distribute, or approve, in collaboration

LSB 5398XL (18) 84

-116-

kh/rj

116/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 with the area education agencies, core curriculum technical
2 assistance and implementation strategies that school districts
3 and accredited nonpublic schools shall utilize, including but
4 not limited to the development and delivery of formative and
5 end-of-course model assessments classroom teachers may use
6 to measure student progress on the core curriculum adopted
7 pursuant to section 256.7, subsection 26. The department
8 shall, in collaboration with the advisory group convened in
9 accordance with paragraph "b" and educational assessment
10 providers, identify and make available to school districts
11 end-of-course and additional model end-of-course and additional
12 assessments to align with the expectations included in the Iowa
13 core curriculum. The model assessments shall be suitable to
14 meet the multiple assessment measures requirement specified in
15 section 256.7, subsection 21, paragraph "c".

16 Sec. 179. Section 256.9, subsection 53, Code Supplement
17 2011, is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. c. Identify the scoring levels on approved
19 grade three reading assessments that require the retention of a
20 student pursuant to section 279.68, and develop or identify and
21 approve alternative performance measures for students who are
22 not proficient in reading in accordance with section 279.68,
23 subsection 2. Alternative performance measures approved
24 pursuant to this paragraph shall include but not be limited to
25 a demonstration of reading mastery evidenced by portfolios of
26 student work.

27 NEW PARAGRAPH. d. Establish, subject to an appropriation
28 of sufficient funds by the general assembly, an Iowa reading
29 research center to apply current research on literacy to
30 provide for the development and dissemination of all of the
31 following:

- 32 (1) Promising instructional strategies in reading.
33 (2) Reading assessments.
34 (3) Professional development strategies and materials
35 aligned with current and emerging best practices for the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 teaching of reading.

2 Sec. 180. Section 256D.2A, Code 2011, is amended to read as
3 follows:

4 **256D.2A Program funding.**

5 For the budget year beginning July 1, 2009, and each
6 succeeding budget year, a school district shall expend funds
7 received pursuant to section 257.10, subsection 11, at the
8 kindergarten through grade three levels to reduce class sizes
9 to the state goal of seventeen students for every one teacher
10 and to achieve a higher level of student success in the
11 basic skills, especially reading; and to establish a reading
12 enhancement and acceleration development initiative pursuant
13 to section 279.68, subsection 3, paragraph "f". In order to
14 support these efforts, school districts shall expend funds
15 received pursuant to section 257.10, subsection 11, as provided
16 in section 279.68, subsection 3, paragraph "f", and may expend
17 funds received pursuant to section 257.10, subsection 11,
18 at the kindergarten through grade three level on programs,
19 instructional support, and materials that include but are not
20 limited to the following: additional licensed instructional
21 staff; additional support for students, such as before and
22 after school programs, tutoring, and intensive summer programs;
23 the acquisition and administration of diagnostic reading
24 assessments; the implementation of research-based instructional
25 intervention programs for students needing additional support;
26 the implementation of all-day, everyday kindergarten programs;
27 and the provision of classroom teachers with intensive training
28 programs to improve reading instruction and professional
29 development in best practices including but not limited to
30 training programs related to instruction to increase students'
31 phonemic awareness, reading abilities, and comprehension
32 skills.

33 Sec. 181. NEW SECTION. **279.68 Student progression and**
34 **retention — remedial instruction — reporting requirements.**

35 1. *Reading deficiency and parental notification.*

LSB 5398XL (18) 84

-118-

kh/rj

118/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 a. A school district shall provide intensive reading
2 instruction to any student who exhibits a substantial
3 deficiency in reading, based upon locally determined or
4 statewide assessments conducted in kindergarten or grade one,
5 grade two, or grade three, or through teacher observations,
6 immediately following the identification of the reading
7 deficiency. The student's reading proficiency shall be
8 reassessed by locally determined and statewide assessments.
9 The student shall continue to be provided with intensive
10 reading instruction until the reading deficiency is remedied.

11 b. The parent or guardian of any student in kindergarten
12 through grade three who exhibits a substantial deficiency in
13 reading, as described in paragraph "a", shall be notified at
14 least annually in writing of the following:

15 (1) That the child has been identified as having a
16 substantial deficiency in reading.

17 (2) A description of the services currently provided to the
18 child.

19 (3) A description of the proposed supplemental
20 instructional services and supports that the school district
21 will provide to the child that are designed to remediate the
22 identified area of reading deficiency.

23 (4) That if the child's reading deficiency is not remediated
24 by the end of grade three, the child shall be retained unless
25 the child is exempt from mandatory retention for good cause
26 pursuant to subsection 2, paragraph "b". If the child is
27 ineligible for a good cause exemption, the notification shall
28 state why the child is ineligible.

29 (5) Strategies for parents and guardians to use in helping
30 the child succeed in reading proficiency, including but not
31 limited to the promotion of parent-guided home reading.

32 (6) That the assessment used pursuant to section 256.9,
33 subsection 53, is not the sole determiner of promotion and
34 that additional evaluations, portfolio reviews, performance
35 measures, and assessments are available to the child to assist



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 parents and the school district in knowing when a child is
2 reading at or above grade level and ready for grade promotion.

3 (7) The district's specific criteria and policies for
4 midyear promotion. For purposes of this section, "*midyear*
5 *promotion*" means promotion to the next grade level of a retained
6 student at any time during the year of retention once the
7 student has demonstrated the ability to read at grade level.

8 c. If the student's reading deficiency, as identified in
9 paragraph "a", is not remedied by the end of grade three,
10 as demonstrated by scoring on an assessment approved by the
11 department pursuant to section 256.9, subsection 53, the
12 student shall be retained in grade three.

13 2. *Good cause exemption.*

14 a. The school district shall only exempt students from
15 mandatory retention, as provided in subsection 1, paragraph
16 "c", for good cause. Good cause exemptions shall be limited to
17 the following:

18 (1) Limited English proficient students who have had
19 less than two years of instruction in an English as a second
20 language program.

21 (2) Students requiring special education whose
22 individualized education program indicates that participation
23 in the assessment approved pursuant to section 256.9,
24 subsection 53, is not appropriate, consistent with the
25 requirements of rules adopted by the state board of education
26 for the administration of chapter 256B.

27 (3) Students who demonstrate an acceptable level of
28 performance on an alternative performance measure approved by
29 the director of the department of education pursuant to section
30 256.9, subsection 53.

31 (4) Students who demonstrate mastery through a student
32 portfolio under alternative performance measures approved
33 pursuant to section 256.9, subsection 53.

34 (5) Students who have received intensive remediation
35 in reading for two or more years but still demonstrate a



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 deficiency in reading and who were previously retained in
2 kindergarten, grade one, grade two, or grade three. Intensive
3 reading instruction for students so promoted must include
4 an altered instructional day that includes specialized
5 diagnostic information and specific reading strategies for
6 each student. The school district shall assist attendance
7 centers and teachers to implement reading strategies that
8 research has shown to be successful in improving reading among
9 low-performing readers.

10 *b.* Requests for good cause exemptions from the mandatory
11 retention requirement for students as described in paragraph
12 “*a*”, subparagraphs (3) and (4), shall be made consistent with
13 the following:

14 (1) Documentation shall be submitted from the student’s
15 teacher to the school principal that indicates that the
16 promotion of the student is appropriate and is based upon the
17 student’s academic record. Such documentation shall include
18 but not be limited to the individualized education program, if
19 applicable, report card, or student portfolio.

20 (2) The school principal shall review and discuss the
21 recommendation submitted pursuant to subparagraph (1) with
22 the teacher and the school principal shall determine whether
23 the student should be promoted or retained. If the principal
24 determines that the student should be retained, the principal
25 shall notify the student’s teacher and parent or guardian of
26 the decision in writing and the student shall be ineligible for
27 the good cause exemption from mandatory retention.

28 (3) If the school principal determines that the
29 student should be promoted, the school principal shall
30 make such recommendation in writing to the district school
31 superintendent. The district school superintendent shall
32 accept or reject the school principal’s recommendation and
33 shall notify the school principal and the student’s teacher
34 and parent or guardian of the school superintendent’s decision
35 in writing. If the school superintendent determines that the

LSB 5398XL (18) 84

-121-

kh/rj

121/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 student should be retained, the student shall be ineligible for
2 the good cause exemption from mandatory retention. The parent
3 or guardian of the student may appeal the superintendent's
4 decision to the board of directors of the school district.
5 If the superintendent's decision is affirmed by the school
6 board, the decision is final and is not subject to appeal under
7 section 290.1.

8 *c.* This section does not preclude the parent or guardian of
9 a student with a reading deficiency from requesting that the
10 student be retained at grade level.

11 3. *Successful progression for retained readers.* A school
12 district shall do all of the following:

13 *a.* Conduct a review, within one week following the last
14 instructional day of the school calendar, of student progress
15 for any student retained under subsection 1, paragraph "c", who
16 did not meet the criteria for one of the good cause exemptions
17 in subsection 2, paragraph "a". The review shall address
18 additional supports and services, as described in subparagraph
19 (2), needed to remediate the identified areas of reading
20 deficiency. The school district shall require a student
21 portfolio to be completed for each such student.

22 *b.* Provide students who are retained under subsection
23 1, paragraph "c", with intensive instructional services
24 and supports, free of charge, to remediate the identified
25 areas of reading deficiency, including a minimum of a daily
26 ninety-minute block of scientific-research-based reading
27 instruction and other strategies prescribed by the school
28 district which may include but are not limited to the
29 following:

- 30 (1) Small group instruction.
31 (2) Reduced teacher-student ratios.
32 (3) More frequent progress monitoring.
33 (4) Tutoring or mentoring.
34 (5) Transition classes containing students in grades three
35 and four.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 (6) Extended school day, week, or year.

2 (7) Summer reading programs.

3 c. At regular intervals, apprise the parent or guardian of
4 academic and other progress being made by the student and give
5 the parent or guardian other useful information.

6 d. Implement a policy for the midyear promotion of any
7 student retained under subsection 1, paragraph "c", who can
8 demonstrate that the student is a successful and independent
9 reader, reading at or above grade level, and ready to be
10 promoted to grade four. Tools that school districts may use
11 in reevaluating any student retained may include subsequent
12 assessments, alternative assessments, and portfolio reviews,
13 identified by rule pursuant to section 256.7, subsection 31.
14 Students promoted during the school year after November 1 shall
15 demonstrate proficiency pursuant to guidelines adopted by rule
16 pursuant to section 256.7, subsection 31.

17 e. In addition to required reading enhancement and
18 acceleration strategies, provide parents of students who are
19 retained under subsection 1, paragraph "c", with a plan outlined
20 in a parental contract, including participation in regular
21 parent-guided home reading.

22 f. Establish, using funds received pursuant to section
23 257.10, subsection 11, a reading enhancement and acceleration
24 development initiative designed to prevent the retention of
25 grade three students and to offer intensive accelerated reading
26 instruction to grade three students who fail to meet standards
27 for promotion to grade four and to each kindergarten through
28 grade three student who is assessed as exhibiting a reading
29 deficiency. The initiative shall comply with all of the
30 following criteria:

31 (1) Be provided to all kindergarten through grade three
32 students at risk of retention under this section. The
33 assessment initiative shall measure phonemic awareness,
34 phonics, fluency, vocabulary, and comprehension.

35 (2) Be provided during regular school hours in addition to

LSB 5398XL (18) 84

-123-

kh/rj

123/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 the regular reading instruction.

2 (3) Provide a reading curriculum that meets guidelines
3 adopted pursuant to section 256.7, subsection 31, and at a
4 minimum has the following specifications:

5 (a) Assists students assessed as exhibiting a reading
6 deficiency in developing the ability to read at grade level.

7 (b) Provides skill development in phonemic awareness,
8 phonics, fluency, vocabulary, and comprehension.

9 (c) Includes a scientifically based and reliable
10 assessment.

11 (d) Provides initial and ongoing analysis of each student's
12 reading progress.

13 (e) Is implemented during regular school hours.

14 (f) Provides a curriculum in core academic subjects to
15 assist the student in maintaining or meeting proficiency levels
16 for the appropriate grade in all academic subjects.

17 g. Report to the department of education the specific
18 intensive reading interventions and supports implemented by the
19 school district pursuant to this section. The department shall
20 annually prescribe the components of required or requested
21 reports, including but not limited to a report on the number of
22 students retained under this section.

23 h. Provide a student who has been retained in grade three
24 and who has received intensive instructional services but is
25 still not ready for grade promotion, as determined by the
26 school district, the option of being placed in a transitional
27 instructional setting. Such setting shall specifically be
28 designed to produce learning gains sufficient to meet grade
29 four performance standards while continuing to remediate the
30 areas of reading deficiency.

31 DIVISION XVII

32 STATE MANDATE

33 Sec. 182. STATE MANDATE FUNDING SPECIFIED. In accordance
34 with section 25B.2, subsection 3, the state cost of requiring
35 compliance with any state mandate included in this Act shall



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 be paid by a school district from state school foundation aid
2 received by the school district under section 257.16. This
3 specification of the payment of the state cost shall be deemed
4 to meet all of the state funding-related requirements of
5 section 25B.2, subsection 3, and no additional state funding
6 shall be necessary for the full implementation of this Act
7 by and enforcement of this Act against all affected school
8 districts.

9 EXPLANATION

10 This bill relates to programs and activities under
11 the purview of the department of education, the board of
12 educational examiners, school districts, and accredited
13 nonpublic schools.

14 DIVISION I — COMPETENCY-BASED INSTRUCTION. 2011 Iowa Acts,
15 chapter 71 (SF 453), directs the state board of education to
16 adopt rules requiring public and accredited nonpublic high
17 schools to consider any student who satisfactorily completes a
18 high school-level unit to have satisfactorily completed a unit
19 of the high school graduation requirements for that subject
20 matter area and to issue high school credit for the unit to
21 the student. This requirement is limited to the subjects of
22 English or language arts, mathematics, science, or social
23 studies. The bill removes that limitation.

24 The bill permits a school district or accredited nonpublic
25 school to allow high school credit to be awarded to a student
26 upon the demonstration of required competencies for a course or
27 content area, as approved by an appropriately licensed teacher.
28 The bill specifies that the school district or accredited
29 nonpublic school determines the assessment methods by which
30 the student demonstrates sufficient evidence of the required
31 competencies.

32 The bill defines "unit" for the purposes of course
33 requirements for students in public and nonpublic schools in
34 grades 9 through 12. To qualify as a unit, a course must be
35 taught for at least 200 minutes per week for 36 weeks or be



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 taught for the equivalent of 120 hours of instruction.

2 The bill provides that a student will receive credit or
3 partial credit upon successful completion of a course which
4 meets one of the criteria for "unit" as defined in the bill
5 or related components equivalent to a course which meets one
6 of the criteria. Partial credit must be calculated in a
7 manner consistent with the criteria set out in the bill. The
8 bill further provides that a student may receive credit on a
9 performance basis through the administration of an assessment,
10 provided the assessment covers the competencies ordinarily
11 included in the regular course.

12 DIVISION II — CORE CURRICULUM. The bill establishes
13 the core curriculum advisory council under the department of
14 education. Upon request by the director of the department of
15 education, the council is to make nonbinding recommendations
16 to the director regarding necessary changes to the core
17 curriculum. The council is directed to seek to further the
18 goals of the core curriculum and any objectives established by
19 the director in making recommendations. The council consists
20 of no less than seven members appointed by and serving at the
21 pleasure of the director. The council must be balanced by
22 gender and political party. The council is to meet at least
23 quarterly and at the call of the chair of the council. Members
24 of the council serve without compensation but may be reimbursed
25 for their actual expenses incurred in the performance of their
26 duties.

27 The bill adds the subjects of music and other fine arts,
28 applied arts, foreign languages, physical education, character
29 education, and entrepreneurship education to the skills and
30 knowledge the core curriculum for kindergarten through grade 12
31 must address.

32 The director must create and disseminate to school
33 districts, charter schools, and accredited nonpublic schools a
34 model curriculum that is directly tied to the goals, outcomes,
35 and assessment strategies identified in the core content



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 standards. The model curriculum shall provide guidance to
2 school districts and schools and expand on the core content
3 standards. The model curriculum shall be modified as necessary
4 to incorporate the core curriculum framework.

5 DIVISION III — PARENT ADVOCACY NETWORK. The bill requires
6 the director of the department of education to establish a
7 statewide parent advocacy network to create an integrated,
8 accessible set of community-wide resources to support learning
9 and development by July 1, 2013. The bill provides that the
10 statewide parent advocacy network shall include at least one
11 parent representative from each school district in the state.
12 The bill requires the director to coordinate with the board
13 of directors of each public school district to facilitate the
14 establishment and maintenance of the statewide parent advocacy
15 network. The bill directs the board of directors of each
16 public school district to assist the director in identifying at
17 least one representative from each school district in the state
18 to serve on the statewide parent advocacy network.

19 DIVISION IV — TEACHER AND ADMINISTRATOR PERFORMANCE. The
20 bill directs the state board to adopt new Iowa teaching and
21 administration standards by January 1, 2013, and to implement
22 statewide teacher and administrator evaluation system pilot
23 programs during the 2013-2014 school year; provides for
24 the appointment of a teacher performance, compensation, and
25 career development task force to develop recommendations for
26 a new teacher compensation system; directs the director of
27 the department of education to develop a statewide teacher
28 evaluation system and a statewide administrator evaluation
29 system that school districts, charter schools, and accredited
30 nonpublic schools shall use to standardize the instruments
31 and processes used to evaluate teachers and administrators
32 throughout the state; provides for the creation of a task force
33 to conduct a study regarding a statewide teacher evaluation
34 system and a statewide administrator evaluation system; and
35 requires that public school teachers and administrators be



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 evaluated annually rather than every three years, and that the
2 evaluation of a teacher be conducted by at least one person who
3 holds a valid certification issued for successfully completing
4 an evaluator training program.

5 The bill sets out the minimum components of the statewide
6 teacher evaluation system, including direct observation of
7 classroom teaching behaviors, strong consideration of student
8 outcome measures, integration of the Iowa teaching standards,
9 and system applicability to teachers in all content areas
10 taught by a school. The bill allows school districts to
11 implement an alternative teacher or administrator evaluation
12 system if the department approves the alternative system.

13 The director is tasked with appointing members to, and
14 providing staffing for, the teacher performance, compensation,
15 and career development task force, including members
16 representing teachers, parents, school administrators, and
17 business and community leaders. The task force is directed to
18 address the duties and responsibilities of apprentice, career,
19 mentor, and master teachers; utilizing retired teachers as
20 mentors; uses and realignment of finite resources; mechanisms
21 to substantially increase the average salary of teachers who
22 assume leadership roles; and standardizing implementation of
23 task force recommendations in all of Iowa's school districts
24 and public charter schools. The task force must submit its
25 findings and recommendations in a report to the state board of
26 education, the governor, and the general assembly by October
27 15, 2012.

28 The statewide educator evaluation system task force
29 must submit its findings, recommendations, and a proposal
30 for a statewide teacher evaluation system and a statewide
31 administrator evaluation system to the state board of
32 education by October 15, 2012. The task force must include
33 a tiered evaluation system differentiating levels of teacher
34 effectiveness in its recommendations and proposal.

35 The provisions providing for appointment of the task forces

LSB 5398XL (18) 84

-128-

kh/rj

128/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 take effect upon enactment.

2 The bill repeals the current Iowa teaching standards on
3 July 1, 2013. The bill also repeals a Code provision that
4 established a career ladder pilot program to be administered
5 by the department of education from 2007 through 2009. The
6 final report on the pilot program was submitted to the general
7 assembly in March 2010.

8 The bill makes a technical correction to a reference
9 relating to transfer of the duties of certain licensing
10 responsibilities to the state board of education and department
11 of education under division X of this bill.

12 DIVISION V — INNOVATION ACCELERATION PROGRAM — FUND. The
13 bill establishes an innovation acceleration program in the
14 department of education and creates an innovation acceleration
15 fund in the state treasury under the control of the department.

16 The purpose of the innovation acceleration program is to
17 provide competitive grants to applicants with a record of
18 improving student achievement and educational attainment in
19 order to expand the implementation of, and investment in,
20 innovative practices that are demonstrated to have an impact
21 on improving student achievement or student growth, closing
22 achievement gaps, decreasing dropout rates, increasing parental
23 involvement, increasing attendance rates, increasing high
24 school graduation rates, or increasing college enrollment and
25 completion rates.

26 The program shall be designed to enable grantees to expand
27 and develop innovative practices that can serve as models of
28 best practices, work in partnership with the private sector and
29 the philanthropic community, and identify and document best
30 practices that can be shared and expanded based on demonstrated
31 success.

32 The innovation acceleration fund shall be administered
33 by the director of education and shall consist of moneys
34 appropriated by the general assembly and any other moneys
35 available to and obtained or accepted by the department for the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 program.

2 DIVISION VI — ONLINE LEARNING. The bill relates to the
3 development, establishment, and approval of high-quality online
4 learning programs delivered online by school districts, charter
5 schools, and accredited nonpublic schools.

6 The bill eliminates a provision that requires the state
7 board of education to adopt rules prohibiting the use of
8 telecommunications by school districts as the exclusive
9 means to provide any course which is required by the minimum
10 educational standards for accreditation, and replaces it with a
11 provision directing the state board to adopt rules providing
12 for the establishment of an online learning program model.
13 The director of the department is tasked with developing and
14 establishing the model.

15 The director is authorized to waive certain standards for
16 school districts, charter schools, and accredited nonpublic
17 schools that implement an online learning program aligned
18 with the program model. The standards that may be waived
19 include the 180-day school calendar requirement; the minimum
20 number of instructional hours required for a school day; any
21 statutory requirement that students be physically present in
22 a school building and under the guidance and instruction of
23 the instructional professional staff employed by the school
24 district or the school except as established by rule for the
25 online learning program model; and any statutory requirement
26 that a subject being studied by a student enrolled in an
27 approved online learning program be a subject that is offered
28 and taught by the professional staff of the school district or
29 school.

30 The director shall require that a school district or school
31 granted a waiver must implement and incorporate into its
32 comprehensive school improvement plan accountability measures
33 designed to demonstrate that academic credit is awarded
34 based upon successful completion of content or achievement
35 of competencies by students enrolled in the approved online



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 learning program.

2 The director must also establish criteria for school
3 districts or schools to use when choosing providers of online
4 learning to meet the online learning program requirements
5 specified in rule by the state board.

6 The online learning program model established by the
7 director must provide for online access to high-quality
8 content, instructional materials, and blended learning;
9 education customized to the needs of the student using online
10 content; a means for a student to demonstrate competency in
11 completed coursework; high-quality online instruction taught by
12 appropriately licensed teachers; online content and instruction
13 evaluated on student learning outcomes; use of funds available
14 for program implementation and innovation; infrastructure that
15 supports online learning; and online administration of online
16 course assessments.

17 At the discretion of the school board or authorities in
18 charge of a school, after consideration for circumstances
19 created by necessity, convenience, and cost-effectiveness,
20 courses developed by private providers may be utilized by the
21 school district or school in implementing an online learning
22 curriculum. Courses obtained from private providers shall be
23 taught by licensed Iowa teachers.

24 Grades in online courses shall be based, at a minimum,
25 on whether a student mastered the subject, demonstrated
26 competency, and met the standards established by the school
27 district.

28 All online courses and programs shall meet existing
29 accreditation standards.

30 The bill includes conforming amendments.

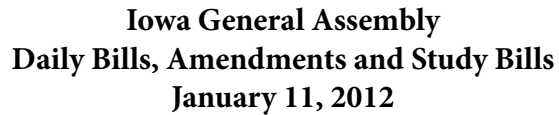
31 DIVISION VII — EDUCATIONAL STANDARDS EXEMPTIONS. The bill
32 permits the director of the department of education to grant
33 school districts exemptions from one or more of the educational
34 standards for all grades, from prekindergarten through grade
35 12, if the school district meets certain requirements specified

LSB 5398XL (18) 84

-131-

kh/rj

131/156



27 Currently, the director may grant school districts and
28 accredited nonpublic schools an exemption from one or more of
29 the educational standards for grades 9 through 12, including
30 but not limited to unit requirements for science, social
31 studies, English-language arts, mathematics, foreign language,
32 vocational service, and health and physical education.

33 The bill requires the director to submit a report by February
34 1, annually, to the state board, the governor, and the general
35 assembly that lists all of the exemptions granted to school

Page 243 of 275



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 districts and accredited nonpublic schools and the reasons for
2 which each exemption was granted.

3 The bill makes a reference to charter school requirements
4 included in division XV of the bill.

5 DIVISION VIII — EDUCATOR IDENTIFIER SYSTEM AND EDUCATION
6 PLACEMENT CLEARINGHOUSE. The bill establishes an educator
7 identifier system and an education placement clearinghouse
8 within the department of education, subject to an appropriation
9 of sufficient funds by the general assembly.

10 The bill defines "educator" to mean a teacher or principal.

11 The educator identifier system shall be designed for
12 the purpose of providing information for studying teacher
13 shortage areas and identifying any possible solutions; studying
14 practitioner preparation programs, educator professional
15 development programs, and educator mobility and retention
16 issues; improving teaching and student learning, including the
17 use of data to recognize, reward, and develop the careers of
18 individual educators; collecting data for use in developing a
19 longitudinal data system that may be used with the educator
20 identifier system to match educators to students; allowing
21 the state to gather baseline data about the distribution of
22 highly qualified teachers, including the number and percent of
23 teachers in the highest-poverty and lowest-poverty schools in
24 the state, and to take actions to address any inequities in the
25 distribution of highly qualified teachers throughout the state;
26 and enabling teachers to enhance student instruction through
27 the use of performance and longitudinal growth data.

28 Under the educator identifier system, a person who applies
29 for or who holds an Iowa teacher or administrator license is
30 assigned a unique identifier.

31 The unique identifier shall not use any personal identifying
32 information, such as social security numbers or contact
33 information, except for alignment purposes in data processing.

34 The bill does not restrict the authority of a school
35 district, AEA, or charter school to assign individual educators

LSB 5398XL (18) 84

-133-

kh/rj

133/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 to specific grades, levels, programs, or schools; direct
2 the professional development of individual educators; or
3 collaboratively design and develop, with representation from
4 the teachers and principals employed by the school district,
5 AEA, charter school, alternative compensation plans through
6 the procedures adopted by the school district, AEA, or charter
7 school for setting educator compensation.

8 The director, after consultation with practitioner
9 preparation programs, shall establish protocols for releasing
10 system data to graduates' respective practitioner preparation
11 programs for the purpose of program evaluation. The department
12 may use system data to identify practices that show promise of
13 improving student outcomes or educator performance.

14 The system shall comply with all state and federal privacy
15 laws. Aggregate, nonidentifying information obtained from the
16 system shall be made available at multiple levels, including
17 state, school district, AEA, charter school, practitioner
18 preparation program, nongovernmental entity, and individual
19 levels, through varying degrees of access, as designated by the
20 director.

21 The education placement clearinghouse shall be designed
22 and implemented for the posting of all education job openings
23 offered by the school districts, AEAs, charter schools, and
24 accredited nonpublic schools in the state. Every school
25 district, AEA, charter school, and accredited nonpublic school
26 shall submit its job openings to the department for posting
27 on the department's internet site. Every educator shall
28 apply once to the department, indicating the educator's job
29 interests. The director shall provide each educator with an
30 option to update submitted information. The director shall
31 develop and implement a screening process that uses but is not
32 limited to the data collected from the educator identifier
33 system to identify high-quality educators.

34 Only applicants who apply and meet clearinghouse application
35 requirements are eligible to be interviewed for jobs posted



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 on the department's internet site. A school district, AEA,
2 charter school, or accredited nonpublic school can request
3 more information from the applicant that was not collected and
4 is not maintained by the clearinghouse, but cannot request
5 information that duplicates that which is in the clearinghouse.
6 The bill states that the bill language shall not be construed
7 to discourage school districts, AEAs, charter schools, and
8 accredited nonpublic schools from advertising or otherwise
9 making known the positions available through the clearinghouse.

10 The bill includes references relating to the transfer of
11 licensing duties to the state board of education and the
12 department of education under division X of the bill.

13 DIVISION IX — CLASS SHARING AGREEMENTS. The bill
14 expands eligibility for the supplementary weighting plan for
15 district-to-community college sharing and concurrent enrollment
16 programs to allow a school district that collaborates with
17 a community college for a college-level class that uses an
18 activities-based, project-based, and problem-based learning
19 approach and that is offered through a partnership with a
20 nationally recognized provider of rigorous and innovative
21 science, technology, engineering, and mathematics curriculum
22 for schools, which provider is exempt from taxation under
23 section 501(c)(3) of the Internal Revenue Code, to qualify
24 to receive additional weighting for students enrolled in the
25 class.

26 DIVISION X — TRANSFER OF LICENSING DUTIES. The bill repeals
27 Code chapter 272, which establishes the board of educational
28 examiners, and moves the majority of the responsibilities of
29 the board and its executive director to the state board of
30 education and the director of the department of education.
31 The department is charged with carrying out programs and
32 policies as determined by the state board, and the duties
33 and responsibilities of the department as set forth by the
34 director. The board of educational examiners is created to
35 hear appeals regarding application, renewal, suspension,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 or revocation of a license, certificate, authorization, or
2 statement of recognition.

3 The bill provides for the authorization of individuals
4 to act as school administration managers who successfully
5 complete training and meet board standards in order to assist
6 school principals in performing noninstructional duties. The
7 bill requires the department to establish voluntary statewide
8 training programs for such individuals.

9 The bill requires the state board to provide alternative
10 pathways to the initial teacher license and initial
11 administrator license and endorsement by rule. The rules
12 shall prescribe standards and procedures for the approval
13 of alternative principal licensing programs which may be
14 offered in this state by designated agencies located within or
15 outside this state. The bill also establishes requirements
16 for applicants to the programs, and requires that persons
17 who utilize the alternative pathways to licensure must be
18 supervised and mentored by experienced practitioners.

19 The bill also requires the state board to adopt rules
20 requiring all higher education institutions providing
21 practitioner preparation to require any candidate for
22 admission to the program to have graduated with a cumulative
23 postsecondary grade point average of at least three on a
24 four-point scale, or its equivalent; and to base successful
25 completion of the program on successful completion of Praxis
26 II examinations. The bill also increases the required number
27 of weeks for the student teaching experience from 12 to 15,
28 and reduces the duration of time during which a practitioner
29 preparation program faculty member must be involved in a
30 specified number of hours of team teaching activities from five
31 years to two years.

32 The bill includes transitional provisions relating to the
33 transfer of employees from the board to the department, to
34 license and contract validity, transfer of funds, enforcement
35 actions, and membership on the initial board of educational



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 examiners created within the department.

2 The bill includes a number of conforming amendments.

3 DIVISION XI — SCHOOL INSTRUCTIONAL TIME TASK FORCE. The
4 bill charges the director of the department of education with
5 appointing a school instructional time task force to conduct a
6 study regarding the minimum requirements of the school day and
7 the school year.

8 The school instructional time task force shall be comprised
9 of at least seven members who shall, at a minimum, examine
10 whether the minimum length of an instructional day should
11 be extended and if so for whom, whether the minimum number
12 of instructional days or hours in a school year should be
13 increased and if so for whom, whether the minimum number of
14 instructional days or hours should be rearranged for purposes
15 of summer or other breaks in the school year, whether the
16 minimum school year should be defined by a number of days or
17 by a number of instructional hours, whether there should be a
18 uniform, statewide start date for the school year, and whether
19 resources necessary to extend the minimum instructional day
20 or the minimum school year are justified when compared to
21 competing education priorities. The task force shall submit
22 its findings and recommendations in a report to the state board
23 of education, the governor, and the general assembly by October
24 15, 2012.

25 DIVISION XII — ASSESSMENTS. The bill relates to
26 assessments for children prekindergarten through grade 11 and
27 requires the department of education to establish and implement
28 a value-added assessment system.

29 The bill replaces, in language directing the state board
30 of education to adopt rules requiring that school districts
31 and accredited nonpublic schools submit a comprehensive
32 school improvement plan and report to the department and local
33 communities, references to local education standards and
34 achievement progress with references to statewide standards
35 and assessment measures and eliminates reporting requirements

LSB 5398XL (18) 84

-137-

kh/rj

137/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 related to locally established student learning goals.

2 Further, the rules adopted by the state board incorporating
3 accountability for, and reporting of, student achievement
4 into the standards and accreditation process must provide,
5 by July 1, 2014, for the establishment by the department of
6 an accountability system designed to hold school districts
7 and accredited nonpublic schools accountable for student
8 achievement. The accountability system must, at a minimum,
9 define and measure student achievement, student growth,
10 student achievement gaps, college and career readiness,
11 student well-being, parent satisfaction, school staff working
12 conditions, school fiscal responsibility, and graduation and
13 attendance rates.

14 The state board must also adopt, by July 1, 2014, a policy
15 for how school districts shall incorporate end-of-course
16 assessments into their graduation requirements. The director
17 of the department must, by July 1, 2014, develop high school
18 end-of-course assessments for core content standards subject
19 areas, which the school districts must administer as an
20 integral component of such courses.

21 In addition, the director may at the director's discretion,
22 or shall as directed by the state board, convene a working
23 group to develop recommendations for the accountability
24 system or redesign of accreditation procedures; a compliance
25 monitoring process aligned with the accountability system;
26 targeting support for school districts identified as
27 needing assistance; identifying, studying, and commending
28 high-performing districts; and developing takeover strategies
29 for school districts deemed persistently failing to meet
30 educational system or student achievement standards.

31 The rules the state board adopts establishing high school
32 graduation requirements shall also require administration of
33 a college entrance examination. The bill requires school
34 districts and accredited nonpublic schools to administer
35 to each student enrolled in grade 11 the college entrance



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 examination to assess English, reading, mathematics, and
2 science. Each school district and nonpublic school must
3 offer to any student enrolled in grade 11 a career readiness
4 assessment to assess reading for information, locating
5 information, and applied mathematics.

6 The cost of the college entrance examination shall be paid by
7 the department of education if funds are made available to the
8 department for such purpose; the cost of the career readiness
9 assessments shall be paid by the department if funds are
10 available to the department for that purpose; and the costs of
11 any additional college entrance examinations taken by a student
12 shall be the responsibility of the student. If funds are
13 available to the department for such purpose, the department
14 shall make a preparation program available to all students
15 in grade 11, and may contract for the necessary assessment
16 services.

17 A student whose scores on the college entrance examination
18 indicate a high degree of college readiness shall be counseled
19 by the school district or school to enroll in accelerated
20 courses, with an emphasis on advanced placement classes. A
21 student whose scores on the career readiness assessments
22 indicate that additional assistance is required in reading
23 for information, locating information, or applied mathematics
24 shall be provided intervention strategies for accelerated
25 learning by the school district or school. The bill provides
26 for accommodations for students with disabilities and students
27 requiring special education under Code chapter 256B. The
28 bill requires a student's scores on the college entrance
29 examinations to be recorded by the school district or school in
30 the student's official education record.

31 The bill eliminates from the core content requirements
32 language relating to locally developed content standards.

33 The bill tasks the director of the department of education
34 with requiring, every three years, a random sampling of
35 students to take the international programme for international



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 student assessment.

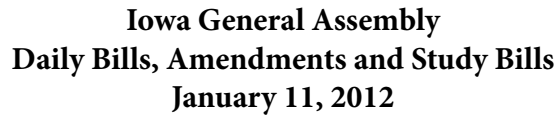
2 The bill requires the department of education to establish
3 and implement a value-added assessment system not later than
4 January 31, 2013, to provide for multivariate longitudinal
5 analysis of annual student test scores to determine the
6 influence of a school district's educational program on student
7 academic growth and to guide school district improvement
8 efforts. The department of education is directed to select a
9 value-added assessment system provider, based on criteria set
10 forth in the bill, through a request for proposals process.
11 School districts are required to use the system not later than
12 the 2013-2014 school year, but may request from the district's
13 area education agency authorization to use an alternative
14 system.

15 The bill defines "value-added assessment" to mean a method
16 of measuring gains in student achievement by conducting a
17 statistical analysis of achievement data that reveals academic
18 growth over time for students and groups of students, such as
19 those in a grade level or in a school.

20 The system provider must create a mechanism to collect and
21 evaluate data in a manner that reliably aligns the performance
22 of the teacher with the achievement levels and progress
23 of the teacher's students. School districts must report
24 teacher-to-student alignment data to the system provider as
25 directed by the department.

26 The system provider must provide analysis to each school
27 district and the department of education, and must also chart
28 data, using criteria set forth in the bill, for each school
29 district.

30 A school district must have complete access to and full
31 utilization of its own value-added assessment reports and
32 charts. Where student outcomes measures are available,
33 for tested subjects and grades, student outcomes measures
34 may be considered by the district to validate observational
35 evaluations. Such measures which are a component of a



1 teacher's evaluation are not a public record.

2 School districts shall use the student academic growth
3 data for defining student and district learning goals and
4 professional development related to student learning goals
5 across the school district.

6 The department shall use the data to determine school
7 improvement and technical assistance needs of school districts
8 and to identify school districts achieving exceptional gains.
9 The department is directed to submit an annual progress report
10 regarding the use of student academic growth information in the
11 school improvement processes to the house and senate education
12 committees and must publish the progress report on its internet
13 site.

14 The bill also requires each school district to administer a
15 kindergarten readiness assessment prescribed by the department
16 to every resident prekindergarten or four-year-old child whose
17 parent or guardian enrolls the child in the district. The
18 school districts must also administer the Iowa assessments to
19 grade 10 students in the 2012-13 and 2013-14 school years.

20 DIVISION XIII — NATIONAL BOARD FOR PROFESSIONAL TEACHING
21 STANDARDS AWARDS. The bill eliminates the end dates for
22 the national board for professional teaching standards
23 certification one-time reimbursement awards and the annual
24 awards. The term of eligibility for the annual award is 10
25 years or for the years in which the individual maintains a
26 valid certificate, whichever time period is shorter.

27 DIVISION XIV — EDUCATOR EMPLOYMENT AND PROFESSIONAL
28 DEVELOPMENT MATTERS. The bill relates to teacher performance,
29 compensation, and career development, professional development
30 for practitioners and state funds for professional development,
31 and to probationary periods and due process for teachers and
32 administrators.

33 PROFESSIONAL DEVELOPMENT AND TEACHER EVALUATION. The state
34 board of education is directed to adopt rules providing for
35 the establishment of a statewide plan for the professional



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 development of practitioners employed in Iowa's school
2 districts. The statewide plan shall be implemented by the area
3 education agencies (AEAs), each of which must submit annually
4 to the department of education a plan for a professional
5 development program for the following fiscal year. The program
6 developed by the AEA must combine the professional development
7 priorities of the state board with the professional development
8 needs of the schools and school districts in the area. The
9 director of the department must approve, amend and approve, or
10 reject each AEA plan. The director may grant a waiver to a
11 school district exempting the school district from utilizing
12 the AEA plan if the director determines that the school
13 district's plan achieves the goals of the statewide plan.

14 The department is tasked with implementing the statewide
15 plan for professional development established by the state
16 board. A school district is required to utilize the area
17 professional development plan approved by the director unless
18 it is granted a waiver by the director.

19 The department of management is directed to annually reduce
20 the distributions from the amounts generated by the total
21 professional development supplement district cost and the total
22 area education agency professional development supplement
23 district cost to each school district and AEA by 10 percent.
24 The school district spending authority is also reduced by 10
25 percent. An amount equivalent to the amount of the reduction
26 is appropriated to the department for purposes of implementing
27 the statewide plan for the professional development of
28 practitioners.

29 The director is authorized to waive requirements relating
30 to the development and review of an individual teacher
31 professional development plan for a school district that
32 utilizes a peer review teacher evaluation system in which
33 consulting teachers, in conjunction with school administrators,
34 make formal evaluations of the school district's teachers,
35 including but not limited to each teacher's professional growth

LSB 5398XL (18) 84

-142-

kh/rj

142/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 and employment status.

2 PROBATIONARY PERIODS AND DUE PROCESS. The bill authorizes
3 school boards, which by a majority vote institute a reduction
4 in force, to not renew a teacher's contract based on teacher
5 evaluations, licensure and endorsements, the needs of the
6 schools and students, and, under certain circumstances, hiring
7 dates. The bill repeals a Code provision authorizing teachers
8 and administrators to appeal adjudicator and administrative
9 law judge decisions regarding employment to the district
10 court. The administrative law judge to whom an administrator
11 may currently appeal a school board decision is replaced by
12 an adjudicator. Currently, the administrative law judge is
13 jointly selected by the board and the administrator from a
14 list of five individuals submitted by the board of educational
15 examiners; under the bill, the public employee relations board
16 submits the list. The bill makes a number of conforming
17 changes. Community college and AEA instructors, teachers, and
18 administrators are considered teachers and administrators for
19 purposes of the statutory requirements relating to teacher and
20 administrator employment and are therefore also affected by
21 these changes.

22 The bill strikes language that permits an adjudicator
23 to reverse, modify, or grant any appropriate relief from
24 the board action if substantial rights of the teacher have
25 been prejudiced because the board action is unsupported by a
26 preponderance of the competent evidence in the record made
27 before the board when that record is viewed as a whole. The
28 adjudicator's decision becomes the final and binding decision
29 of the school board. In the case of administrators, language
30 is also eliminated that allowed the administrator to file a
31 written notice of appeal of the proposed adjudicator's decision
32 and which allowed the school board to review the proposed
33 adjudicator's decision on its own motion.

34 The bill reduces considerably the adjudicator process
35 timelines for teachers and administrators.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 For beginning teachers hired on or after July 1, 2012, the
2 probationary period for a beginning teacher is extended from
3 three years, with a potential for a one-year extension, to
4 five years, with a potential for a one-year extension; and the
5 option for the probationary teacher to appeal a board decision
6 to an adjudicator and to the district court is eliminated.

7 Under the current Code, nonprobationary teachers are exempt
8 from this provision, but under the bill if a teacher does
9 not successfully complete an intensive assistance program
10 as required, a school board may place the teacher back on
11 probationary status for the school year following the year in
12 which the teacher participated in the intensive assistance
13 program.

14 DIVISION XV — CHARTER SCHOOL CHANGES. The bill rewrites
15 the majority of Iowa's charter school legislation. The purpose
16 of the charter school legislation remains the same, as do most
17 of the general operating requirements, but the bill eliminates
18 references to innovation zone schools and broadens the list of
19 entities eligible to submit applications to establish charter
20 schools. However, the bill provides that a charter school
21 or innovation zone school established prior to July 1, 2012,
22 shall continue to be governed by chapter 256F, Code and Code
23 Supplement 2011, until the term of the contract entered into
24 pursuant to section 256F.6, Code 2011, ends.

25 ELIGIBLE ENTITIES. Eligible entities under the bill
26 include the following: school districts, area education
27 agencies, community colleges, regents universities, nonprofit
28 private postsecondary institutions, cities and counties
29 with populations of more than 100,000, and nonsectarian,
30 nonreligious, tax-exempt charitable organizations; or
31 consortiums of some of the eligible entities.

32 CONVERSION OF AN EXISTING SCHOOL. The bill continues to
33 provide that the conversion of an existing school district
34 attendance center must be supported by at least 50 percent
35 of the school's teachers and 50 percent of the parents whose

LSB 5398XL (18) 84

-144-

kh/rj

144/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 children attend the school.

2 The bill states that the legislation shall not be construed
3 as a means to keep open a school that a school board decides
4 to close, but a school board may endorse or authorize the
5 establishing of a charter school to replace the school the
6 board decides to close. Applicants seeking a charter under
7 this circumstance must demonstrate and document that the
8 charter sought is substantially different in purpose and
9 program from the school the board closes.

10 DUTIES OF THE DEPARTMENT. The department of education
11 is tasked with developing and implementing an orientation
12 program for operators that covers accountability requirements,
13 reporting requirements, and finance. An operator is an entity
14 whose application to charter a school has been approved by
15 the state board. An operator must successfully complete the
16 orientation program prior to chartering a school. If the
17 operator does not successfully complete the orientation program
18 in the time specified by the department, the state board
19 shall reevaluate the operator's application and may deny the
20 application.

21 The department must also develop and implement or approve
22 orientation programs for members of the boards of directors
23 of charter schools, including but not limited to orientation
24 on the charter school board's role and responsibilities,
25 employment policies and practices, and financial management.
26 Board members must attend ongoing orientation throughout the
27 member's term.

28 The department shall monitor and evaluate the fiscal,
29 operational, and student performance of the charter school
30 annually, and may for this purpose annually collect from a
31 charter school a reasonable fee established by rule by the
32 state board based on the number of students who are enrolled in
33 the charter school. The fee structure shall be stated in the
34 charter school contract. Every fifth year in which a charter
35 school is in operation, and before the state board considers



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 renewing a charter school's contract, the department must
2 provide to the state board and to the charter school board a
3 formal written review of the annual evaluations conducted.
4 OPERATING REQUIREMENTS. New operating requirements
5 include those requiring that charter schools comply with
6 statutes relating to the suspension or expulsion of a student,
7 procedures for handling child abuse, procedures for reporting
8 weapons and drug or alcohol possession or use, and harassment
9 and bullying prohibitions and requirements; comply with
10 statutes and rules relating to student records and school
11 meal programs; submit data for purposes of the department's
12 comprehensive management information system; and comply with
13 statewide accountability requirements governing high school
14 graduation requirements, the core curriculum, core content
15 standards, and assessments. Suspension or expulsion decisions
16 may be appealed to the state board of education. However,
17 under the bill a charter school no longer must be subject to or
18 comply with Code chapter 279, relating to teacher contracts and
19 discharge of teachers or administrators; or meet the 180-day
20 school year requirement or its equivalent in hours; or provide
21 school bus transportation to nonpublic school and nonresident
22 students.
23 HOME SCHOOL PROHIBITION. The bill prohibits use of a charter
24 school as a method of providing education to or generating
25 revenue for students who are receiving competent private
26 instruction.
27 PRIMARY FOCUS. The primary focus of a charter school shall
28 be to provide a comprehensive program of instruction for at
29 least one grade or age group from 5-21 years of age.
30 CHARTER SCHOOL APPLICATION. An application to operate a
31 charter school must include a business plan that documents the
32 proposed charter school's mission statement, school purposes,
33 program design, graduation plan, financial plan, governance
34 and management structure, and background and experience of
35 the applicants and the initial board and instructional staff,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 plus any other information the state board requests; provide
2 a statement of assurances of legal compliance prescribed by
3 the state board; provide a statement of support or nonsupport
4 from the school district in which the charter school would
5 be located, a statement of community support and need,
6 and how special education and English as a second language
7 programs will be made available and financed; demonstrate
8 the applicant's ability to implement the procedures and
9 satisfy the criteria for chartering a school; and describe the
10 measures that will be implemented to provide for oversight
11 of the charter school's academic, financial, and operational
12 performance, and ensure compliance with the terms of any
13 written contract entered into by the charter school board and
14 the state board. An applicant must file a separate application
15 for each school the applicant intends to charter.

16 The bill sets forth provisions specifying timelines
17 and requirements for the approval or disapproval of an
18 application. Only the state board is authorized to approve
19 an application. The state board is directed to establish
20 criteria for application approval that at a minimum considers
21 the available capacity and infrastructure identified in the
22 plan, the contracting process specified in the plan, ongoing
23 oversight and evaluation processes relating to administration
24 and staffing, and charter school contract and contract renewal
25 criteria and processes.

26 The approval of an application and renewal of a charter by
27 the state board shall not be conditioned upon the bargaining
28 unit status of the employees of the school. Employees of
29 the board of directors of a charter school may, if otherwise
30 eligible, organize under Code chapter 20 and comply with its
31 provisions. The board of directors of a charter school is
32 a public employer, for the purposes of Code chapter 20, upon
33 formation of one or more bargaining units at the school.

34 OPERATOR OF CHARTER SCHOOL. An operator who successfully
35 completes the department's orientation program shall, before

LSB 5398XL (18) 84

-147-

kh/rj

147/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 entering into a contract or other agreement for professional
2 or other services, goods, or facilities, incorporate as a
3 nonprofit corporation and shall establish an initial board of
4 directors composed of at least five voting members, who are not
5 related parties, until a timely election for members of the
6 ongoing charter school board of directors is held according to
7 the school's articles and bylaws.

8 CHARTER SCHOOL BOARD. Ongoing board members must be elected
9 before the school completes its third year of operation. The
10 articles and bylaws shall include clear policies regarding
11 conflicts of interests and standards of responsibility. Staff
12 members employed at the school and all parents or guardians
13 of children enrolled in the school are the voters eligible to
14 elect charter school board members.

15 The charter school board of directors shall be composed
16 of at least one licensed teacher employed at the school, at
17 least one parent or legal guardian of a student enrolled in
18 the charter school who is not an employee of the charter
19 school, and at least one interested community member who is
20 not employed by the charter school and does not have a child
21 enrolled in the school. The majority of board members may be
22 teachers. Contractors providing facilities, goods, or services
23 to a charter school shall not serve on the charter school board
24 except that contracts involving no more than \$2,500 do not
25 exclude a contractor from board membership.

26 EXPANSION TO ADDITIONAL SITES OR GRADES. The state board
27 may permit the charter school board to expand the operation of
28 the charter school to additional sites or to add additional
29 grades at the school beyond those described in the operator's
30 approved application only after submitting to the state board a
31 supplemental affidavit that includes a proposed expansion plan
32 that demonstrates need and projected enrollment; documentation
33 that the expansion is warranted, at a minimum, by longitudinal
34 data demonstrating students' improved academic performance and
35 growth on student assessments; documentation that the charter

LSB 5398XL (18) 84

-148-

kh/rj

148/156



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 school is financially sound and the financing it needs to
2 implement the proposed expansion exists; and documentation that
3 the charter school has the governance structure and management
4 capacity to carry out its expansion.

5 OPEN MEETINGS AND RECORDS. The charter school board is a
6 government or governmental body for purposes of Iowa's open
7 meetings and records laws.

8 AUDIT REQUIREMENTS. As under current law, the charter
9 school must comply with the same statutory audit requirements
10 as a school district. In addition, the charter school must
11 annually submit an audit report to the state board by December
12 31 and include a copy of all charter school agreements for
13 corporate management services. If the audit report finds
14 that a material weakness exists in the school's financial
15 reporting systems, the school shall submit a written report to
16 the state board explaining how the material weakness will be
17 resolved, and the school's auditor must agree to make available
18 information about the audit to the state board upon request.

19 FUNDING. A student enrolled in a charter school shall
20 be counted, for state school foundation aid purposes, in the
21 pupil's district of residence. The district of residence shall
22 pay to the charter school the state cost per pupil for the
23 previous school year and the combined district cost per pupil,
24 the teacher salary supplement, the professional development
25 supplement, and the early intervention supplement, plus any
26 moneys received for the student as a result of the non-English
27 speaking weighting for the previous school year multiplied
28 by the state cost per pupil for the previous year. Other
29 per pupil moneys may also be payable to a charter school in
30 accordance with the charter school's approved application.

31 ADMISSION REQUIREMENTS. A charter school may limit
32 admission to the following: students within an age group or
33 grade level, students who are either at risk of dropping out or
34 have dropped out, and residents of a specific geographic area
35 in which the school is located when the majority of students



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 served by the school are eligible for free and reduced price
2 meals under federal guidelines. A charter school shall enroll
3 an eligible student who submits a timely application, unless
4 the number of applications exceeds the capacity of a program,
5 class, grade level, or building. In such case, students shall
6 be accepted by lot. A charter school shall give enrollment
7 preference to a sibling of an enrolled student and to a foster
8 child of that student's parents and may give preference for
9 enrolling children of the school's staff before accepting other
10 students by lot. A charter school shall not limit admission
11 to students on the basis of intellectual ability, measures
12 of achievement or aptitude, or athletic ability and may not
13 establish any criteria or requirements for admission that are
14 inconsistent with this Code section. The charter school shall
15 not distribute any services or goods of value to students,
16 parents, or guardians as an inducement, term, or condition of
17 enrolling a student in a charter school.

18 STAFFING REQUIREMENTS AND QUALIFICATIONS. A charter school
19 shall employ or contract with necessary licensed teachers
20 who hold endorsements to perform the particular service for
21 which they are employed in the school. The school may employ
22 necessary employees who are not required to hold teaching
23 licenses to perform duties other than teaching and may contract
24 for other services.

25 LEASE OF SPACE AND FACILITY CONSTRUCTION. A charter
26 school may lease space from a school district or other public
27 organization; a private, nonprofit nonsectarian organization;
28 a private property owner; or a sectarian organization if the
29 leased space is constructed as a school facility.

30 A charter school may organize an affiliated nonprofit
31 building corporation to renovate or purchase an existing
32 facility to serve as a school or to construct a new school
33 facility. The bill sets forth requirements for such a
34 corporation.

35 RETIREMENT SYSTEMS. Teachers in a charter school are public



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 school teachers and charter schools are employers for the
2 purposes of Iowa public employees' retirement system.
3 CONTRACT RENEWAL OR NONRENEWAL. The state board may or
4 may not renew a charter school contract at the end of the
5 contract term, and may unilaterally terminate a contract during
6 the term of the contract, for any of the following grounds:
7 failure to meet the requirements for student performance
8 contained in the contract, failure to meet generally accepted
9 standards of fiscal management, violations of law, and other
10 good cause shown, including but not limited to the existence
11 of one or more other grounds for revocation as specified in
12 the contract. The bill specifies the procedures for not
13 renewing or terminating a contract. The state board, after
14 providing reasonable notice to the charter school board, and
15 after providing an opportunity for a public hearing, may
16 terminate the existing contract with the charter school board
17 if the charter school has a history of failure to meet student
18 performance requirements consistent with state law, financial
19 mismanagement or failure to meet generally accepted standards
20 of fiscal management, or violations of the law.
21 If a contract is not renewed or is terminated, a student
22 who attended the charter school may enroll in the district of
23 residence or may submit an open enrollment application to a
24 nonresident district. The charter school shall transfer the
25 student's educational records to the student's new school of
26 enrollment.
27 LEGAL AUTHORITY. The board of directors of a charter school
28 may sue and be sued, the charter school shall not levy taxes
29 or issue bonds, and a charter school is a municipality for
30 purposes of tort liability of governmental subdivisions.
31 DIVISION XVI — THIRD GRADE LITERACY. The bill provides for
32 early grade student assessments for reading deficiencies and
33 parental notification of reading deficiencies, and retention
34 for such deficiencies at grade three for students who do not
35 demonstrate an acceptable level of performance on reading



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 standardized or alternative assessments.

2 The bill requires the state board of education to adopt
3 guidelines by July 1, 2013, for implementation of the new
4 Code provision established by the bill relating to student
5 progression, retention, and remedial instruction, including
6 but not limited to basic levels of reading proficiency
7 on approved assessments and identification of tools that
8 school districts may use in evaluating and reevaluating any
9 student who may be or who is determined to be deficient in
10 reading, including but not limited to initial assessments and
11 subsequent assessments, alternative assessments, and portfolio
12 reviews. The state board must adopt standards that provide a
13 reasonable expectation that a student's progress toward reading
14 proficiency is sufficient to master appropriate grade four
15 level reading skills prior to the student's promotion to grade
16 four.

17 The director of the department of education is required to
18 identify the scoring levels on approved grade three reading
19 assessments that will trigger the retention of a student; to
20 develop or identify and approve alternative but equivalent
21 qualifying performance measures for students who are not
22 proficient in reading, such as a demonstration of reading
23 mastery evidenced by portfolios of student work; and to
24 establish, subject to an appropriation of state funds, an Iowa
25 reading research center for the application of current research
26 on literacy.

27 School districts must provide intensive reading instruction
28 to students who exhibit a substantial deficiency in reading,
29 based upon locally determined or statewide assessments
30 conducted in kindergarten or grade one, grade two, or grade
31 three, or through teacher observations. The student's reading
32 proficiency shall be reassessed following the intensive reading
33 instruction. The student shall continue to be provided with
34 intensive reading instruction until the reading deficiency is
35 remedied.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 School districts must notify at least annually, in writing,
2 the parent or guardian of a student who exhibits a substantial
3 deficiency in reading, the district's determination that
4 the child is deficient in reading, descriptions of the
5 services currently provided to the child and of the proposed
6 supplemental instructional services and supports that the
7 school district will provide to the child to remediate the
8 deficiency; that if the child's reading deficiency is not
9 remediated by the end of grade three, the child will be
10 retained unless exempt from mandatory retention for good cause;
11 strategies for parents and guardians to use in helping the
12 child succeed in reading proficiency; that the assessment
13 is not the sole determiner of promotion and that additional
14 evaluations, portfolio reviews, performance measures, and
15 assessments are available to assist parents and the school
16 district in knowing when a child is reading at or above grade
17 level and ready for promotion; and the district's specific
18 criteria and policies for midyear promotion. "Midyear
19 promotion", under the bill, means promotion of a retained
20 student to the next grade level at any time during the year of
21 retention once the student has demonstrated ability to read at
22 grade level.

23 The bill does not preclude the parent or guardian of a
24 student with a reading deficiency from requesting that the
25 student be retained at grade level.

26 If a student's reading deficiency is not remedied by the
27 end of grade three, the student shall be retained in grade
28 three. The school district can exempt students from mandatory
29 retention for good cause, which under the bill includes
30 limited English proficient students; students requiring special
31 education; students who demonstrate an acceptable level of
32 performance on an approved alternative performance measure;
33 students who demonstrate mastery through a student portfolio;
34 and students who have received intensive remediation in reading
35 for two or more years.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Intensive reading instruction for students promoted under
2 good cause must include an altered instructional day that
3 includes specialized diagnostic information and specific
4 reading strategies for each student, and the school district
5 must assist attendance centers and teachers to implement
6 reading strategies.

7 If a student demonstrates acceptable performance through
8 an alternative assessment or student portfolio, the student's
9 teacher must document the teacher's recommendation for
10 promotion to the school principal, and if the principal agrees,
11 the principal must make a recommendation to the district
12 superintendent. A parent or guardian may appeal the decision
13 of the superintendent to the school board, but the school
14 board's decision is final.

15 Each school district shall conduct a review of student
16 progress for any student retained who did not meet the
17 criteria for a good cause exemption. The review shall address
18 additional supports and services needed to remediate the
19 identified areas of reading deficiency. The school district
20 shall require a student portfolio to be completed for each such
21 student.

22 The intensive supports that a school district must provide
23 free of charge include a minimum of a 90-minute block of
24 scientific-research-based reading instruction and other
25 strategies which may include but are not limited to small group
26 instruction; reduced teacher-student ratios; more frequent
27 progress monitoring; tutoring or mentoring; transition classes
28 containing students in grades three and four; extended school
29 day, week, or year; and summer reading programs.

30 At regular intervals, the school district shall provide
31 a report to the parent or guardian apprising the parent or
32 guardian of academic and other progress being made by the
33 student and giving other useful information.

34 The school district shall implement a policy for the midyear
35 promotion of a student who can demonstrate that the student is



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 a successful and independent reader, reading at or above grade
2 level, and ready to be promoted to grade four.

3 In addition to required reading enhancement and acceleration
4 strategies, school districts must provide parents and guardians
5 of retained students with instructional options such as a plan
6 outlined in a parental contract, including participation in
7 regular parent-guided home reading.

8 School districts, using early intervention moneys received
9 from the state, must also establish a reading enhancement
10 and acceleration development initiative designed to prevent
11 the retention of grade three students and to offer intensive
12 accelerated reading instruction to grade three students
13 who fail to meet standards for promotion to grade four and
14 to each kindergarten through grade three student who is
15 assessed as exhibiting a reading deficiency. The bill amends
16 Code section 256D.2A to authorize use of the state early
17 intervention moneys on such initiatives. The initiative shall
18 be provided to all kindergarten through grade three students
19 at risk of retention, and shall measure phonemic awareness,
20 phonics, fluency, vocabulary, and comprehension; be provided
21 during regular school hours in addition to regular reading
22 instruction; and provide a reading curriculum that meets the
23 state board's guidelines and, at a minimum, assists students
24 in developing the ability to read at grade level; provides
25 skill development in phonemic awareness, phonics, fluency,
26 vocabulary, and comprehension; includes scientifically based
27 and reliable assessment; and provides initial and ongoing
28 analysis of each student's reading progress; is implemented
29 during regular school hours; and provides a curriculum in core
30 academic subjects to assist the student in maintaining or
31 meeting proficiency levels for the appropriate grade in all
32 academic subjects.

33 Each school district shall report to the department
34 the specific intensive reading interventions and supports
35 implemented by the school district, and shall report on the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 number of students retained under the provisions of the bill.
2 Finally, each school district shall provide a retained
3 student who has received intensive instructional services but
4 is still not ready for grade promotion the option of being
5 placed in a transitional instructional setting specifically
6 designed to produce learning gains sufficient to meet grade
7 four performance standards while continuing to remediate the
8 areas of reading deficiency.

9 DIVISION XVII — STATE MANDATE. The bill may include a state
10 mandate as defined in Code section 25B.3. The bill requires
11 that the state cost of any state mandate included in the bill
12 be paid by a school district from state school foundation aid
13 received by the school district under Code section 257.16. The
14 specification is deemed to constitute state compliance with
15 any state mandate funding-related requirements of Code section
16 25B.2.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

Senate Study Bill 3010 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
VETERANS AFFAIRS BILL)

A BILL FOR

1 An Act relating to the duties and requirements of the
2 department of veterans affairs and the commission of
3 veterans affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5130XD (6) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 Section 1. Section 35A.2, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* The commissioners are entitled
4 to receive reimbursement for actual expenses incurred while
5 engaged in the performance of official duties. Each member of
6 the commission may also be eligible to receive compensation as
7 provided in section 7E.6.

8 *b.* The executive director, commandant, and employees of the
9 department and the Iowa veterans home are entitled to receive,
10 in addition to salary, reimbursement for actual expenses
11 incurred while engaged in the performance of official duties.

12 *c.* All out-of-state travel by commissioners shall be
13 approved by the chairperson of the commission.

14 Sec. 2. Section 35A.5, subsection 4, Code Supplement 2011,
15 is amended to read as follows:

16 4. Permanently maintain the records including certified
17 records of bonus applications for awards paid ~~from the war~~
18 ~~orphans educational fund under chapter 35.~~

19 Sec. 3. Section 35A.5, subsection 5, Code Supplement 2011,
20 is amended by striking the subsection and inserting in lieu
21 thereof the following:

22 5. *a.* Coordinate with United States department of veterans
23 affairs hospitals, health care facilities, and clinics in this
24 state and the department of public health to provide assistance
25 to veterans and their families to reduce the incidence of
26 alcohol and chemical dependency and suicide among veterans and
27 to make mental health counseling available to veterans.

28 *b.* The assistance program shall include but not be limited
29 to the following:

30 (1) Public education and awareness programs for veterans,
31 health care professionals, and the public, relative to the
32 needs of veterans.

33 (2) Referral services to identify appropriate counseling
34 and treatment programs for veterans in need of services.

35 *c.* Any assistance program established pursuant to this

LSB 5130XD (6) 84

-1-

aw/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 subsection shall be implemented in a manner that does not
2 duplicate other services readily available to veterans.

3 Sec. 4. Section 35A.5, subsection 6, Code Supplement 2011,
4 is amended to read as follows:

5 6. Conduct ~~two~~ one service ~~schools~~ school each year for
6 ~~the Iowa association of~~ county commissioners and ~~executive~~
7 ~~directors~~ one service school for executive directors and
8 administrators. The service school for executive directors
9 and administrators shall provide at least sixteen continuing
10 education units.

11 Sec. 5. Section 35A.8, subsections 4 and 5, Code 2011, are
12 amended by striking the subsections.

13 Sec. 6. Section 35A.16, subsection 4, Code 2011, is amended
14 to read as follows:

15 4. A county commission of veteran affairs training program
16 account shall be established within the county commissions
17 of veteran affairs fund. Any moneys remaining in the fund
18 after the allocations under subsection 3 shall be credited
19 to the account and used by the department to fund the county
20 commission of veteran affairs training program under section
21 35A.17 and training for department personnel.

22 Sec. 7. NEW SECTION. 35A.19 War orphans educational
23 **assistance fund.**

24 A war orphans educational assistance fund is created as a
25 separate fund in the state treasury under the control of the
26 department of veterans affairs. Any money appropriated for
27 the purpose of assisting in the education of orphaned children
28 of veterans, as defined in section 35.1, or the education of
29 a child as provided in section 35A.20, subsection 2, shall
30 be deposited in the war orphans educational assistance fund.
31 Notwithstanding section 8.33, any unexpended or unencumbered
32 moneys remaining in the fund at the end of the fiscal year
33 shall not revert, but shall remain available for expenditure
34 for purposes of this section in succeeding fiscal years.

35 Sec. 8. NEW SECTION. 35A.20 **Expenditure by department.**

LSB 5130XD (6) 84

-2-

aw/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 1. *a.* The department may expend not more than six hundred
2 dollars per year for any one child who has lived in the state of
3 Iowa for two years preceding application for state educational
4 assistance, and who is the child of a person who died prior
5 to September 11, 2001, during active federal military service
6 while serving in the armed forces or during active federal
7 military service in the Iowa national guard or other military
8 component of the United States, to defray the expenses of
9 tuition, matriculation, laboratory and similar fees, books and
10 supplies, board, lodging, and any other reasonably necessary
11 expense for the child or children incident to attendance in
12 this state at an educational or training institution of college
13 grade, or in a business or vocational training school with
14 standards approved by the department.

15 *b.* A child eligible to receive funds under this section
16 shall not receive more than three thousand dollars under this
17 subsection during the child's lifetime.

18 2. *a.* Upon application by a child who is less than
19 thirty-one years of age, and who is the child of a person who
20 died on or after September 11, 2001, during active federal
21 military service while serving in the armed forces or during
22 active federal military service in the Iowa national guard
23 or other military component of the United States, and who
24 at the time of entering into active military service had
25 maintained the person's residence in the state for a period
26 of at least six months immediately before entering into
27 active military service, the department shall provide state
28 educational assistance in an amount of no more than the highest
29 resident undergraduate tuition rate established per year for
30 an institution of higher learning under the control of the
31 state board of regents less the amount of any state and federal
32 education benefits, grants, or scholarships received by the
33 child, or the amount of the child's established financial need,
34 whichever is less, to defray the expenses of tuition at any
35 postsecondary educational institution in this state.

LSB 5130XD (6) 84

-3-

aw/sc

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 **b.** A child eligible to receive state educational assistance
2 under this subsection shall begin postsecondary education prior
3 to reaching age twenty-six, shall not receive more than an
4 amount equal to five times the highest resident undergraduate
5 tuition rate established per year for an institution of higher
6 learning under the control of the state board of regents
7 during the child's lifetime, and shall, to remain eligible
8 for assistance, meet the academic progress standards of the
9 postsecondary educational institution. Payments for state
10 educational assistance for a child under this subsection
11 shall be made to the applicable postsecondary educational
12 institution. The college student aid commission may, if
13 requested, assist the department in administering this
14 subsection.

15 Sec. 9. NEW SECTION. 35A.21 **Eligibility and payment of**
16 **assistance.**

17 Eligibility for assistance shall be determined upon
18 application to the department of veterans affairs, whose
19 decision is final. The eligibility of eligible applicants
20 shall be certified by the department of veterans affairs to
21 the director of the department of administrative services,
22 and all amounts that are or become due an individual or a
23 training institution under this chapter shall be paid to the
24 individual or institution by the director of the department
25 of administrative services upon receipt by the director
26 of certification by the president or governing board of
27 the educational or training institution as to accuracy of
28 charges made, and as to the attendance of the individual at
29 the educational or training institution. The department of
30 veterans affairs may pay over the annual sum set forth in
31 section 35A.20 to the educational or training institution in
32 a lump sum, or in installments as the circumstances warrant,
33 upon receiving from the institution such written undertaking as
34 the department may require to assure the use of funds for the
35 child for the authorized purposes and for no other purpose. A

LSB 5130XD (6) 84

-4-

aw/sc

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 person is not eligible for the benefits of this chapter until
2 the person has graduated from a high school or educational
3 institution offering a course of training equivalent to high
4 school training.

5 Sec. 10. NEW SECTION. **35A.22 Expenses chargeable to fund.**

6 Any expense incurred in carrying out the provisions of
7 sections 35A.19 through 35A.21 shall be chargeable to the war
8 orphans educational assistance fund.

9 Sec. 11. Section 35D.14, Code 2011, is amended to read as
10 follows:

11 **35D.14 Personnel — expenses — compensation.**

12 1. The commandant or the commandant's designee shall employ
13 such personnel as are necessary for the performance of the
14 duties and responsibilities assigned to the commandant. All
15 employees shall be selected on a basis of fitness for the work
16 to be performed with due regard to training and experience and
17 shall be subject to the provisions of chapter 8A, subchapter
18 IV.

19 2. The commandant and employees of the Iowa veterans home
20 are entitled to receive, in addition to salary, reimbursement
21 for actual expenses incurred while engaged in the performance
22 of official duties pursuant to section ~~35A.9~~ 35A.2, subsection
23 3.

24 Sec. 12. Section 422.7, subsection 51, Code Supplement
25 2011, is amended by striking the subsection.

26 Sec. 13. REPEAL. Sections 35.8, 35.9, 35.10, 35.11, and
27 35.12, Code 2011, are repealed.

28 Sec. 14. REPEAL. Section 35A.9, Code 2011, is repealed.

29 **EXPLANATION**

30 This bill relates to the department of veterans affairs and
31 the commission of veterans affairs.

32 The bill repeals Code section 35A.9, relating to expenses
33 and compensation, but the substance of the Code section
34 is transferred to Code section 35A.2, subsection 3, and
35 is amended to require that only out-of-state travel by



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 commissioners be approved by the chairperson of the commission
2 of veterans affairs. Current law requires that the chairperson
3 approve out-of-state travel by the executive director of
4 the department, the state commandant, and employees of the
5 department of veterans affairs or the Iowa veterans home.

6 The bill repeals Code section 35.12, related to the veterans
7 counseling program, but the substance of the Code section is
8 transferred to Code section 35A.5, subsection 5.

9 In regard to the duties of the department, the bill
10 strikes language requiring that the department collect and
11 maintain information concerning veterans affairs. The bill
12 also requires that the department conduct one service school
13 each year specifically for commissioners of the county
14 commissions of veteran affairs and one service school each year
15 specifically for executive directors and administrators of the
16 county commissions of veteran affairs. The bill requires that
17 the service school for executive directors and administrators
18 provide at least 16 hours of continuing education. Current
19 law requires that the department conduct two service schools
20 for these groups annually, but does not specify that they be
21 completed separately for the different groups. The bill also
22 allows certain moneys in the county commissions of veteran
23 affairs fund to be used by the department for the training of
24 department personnel.

25 The bill strikes language requiring the executive director
26 of the department to provide for the administration of bonus
27 funds for certain merchant marines veterans who served between
28 1941 and 1946 and for certain Vietnam war veterans. The
29 bill also strikes language which created these funds and
30 language which required the department to adopt rules for their
31 administration. The bill also strikes Code section 422.7,
32 subsection 51, which exempted moneys received from the Vietnam
33 Conflict veterans bonus from individual income taxation by the
34 state.

35 The bill repeals Code section 35.8, related to the war



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 11, 2012

S.F. _____ H.F. _____

1 orphans educational assistance fund, but the substance of the
2 Code section is transferred to new Code section 35A.19.

3 The bill repeals Code section 35.9, related to expenditures
4 by the department of veterans affairs for certain educational
5 assistance, but the substance of the Code section is
6 transferred to new Code section 35A.20.

7 The bill repeals Code section 35.10, related to eligibility
8 requirements and the payment of educational assistance, but
9 the substance of the Code section is transferred to new Code
10 section 35A.21.

11 The bill repeals Code section 35.11, related to expenses
12 chargeable to the fund, but the substance of the Code section
13 is transferred to new Code section 35A.22.